CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE SEVEN HUNDRED AND FORTY-FIFTH PLENARY MEETING

Held at the Palais des Nations, Geneva
on Thursday, 15 August 1996, at 10.00 a.m.

President: Mr. Urrutia (Peru)

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The PRESIDENT (translated from Spanish): I declare open the 745th plenary meeting of the Conference on Disarmament. The list of speakers for today includes the distinguished representatives of Seychelles, Chile, Bangladesh, Cuba, Iran and Turkey. I now call on the distinguished representative of Seychelles, Mr. Iseux.

Mr. ISEUX (Seychelles): Sir, since it is the first time that I take the floor for a general statement, allow me to congratulate you on your assumption of the office of President of the Conference on Disarmament at this crucial juncture of its efforts to complete a good CTBT. Allow me again to thank representatives for accepting the Republic of Seychelles' participation as observer in the work of the Conference. We are living a significant page of history. The last debates prove that the Conference on Disarmament constitutes the first real strategic forum after the demise of the Soviet Union: a sort of microcosm of what might happen in the future in the field of military strategy. What is being decided here will be decisive for generations to come. We have not to miss this incredible opportunity to pave the way for a better world.

I wish to take this opportunity to inform the Conference of the official reasons for the Republic of Seychelles to participate in the work of this assembly. I shall read a letter written by the Seychelles Minister of Foreign Affairs and addressed to the former President of the Conference on Disarmament:

> "The Republic of Seychelles, though not a member of the Conference on Disarmament has been following with much interest the evolution of the situation. We have noted that in all likelihood the comprehensive test-ban treaty will be signed later. Indeed, all signs seem to point in that direction.
>
> It is in this context that we would like to propose a site in Seychelles for the (international) monitoring system involving a seismic (station) for the detection of nuclear detonations. (...) The position of Seychelles is ideal for such a site (in the Indian Ocean) as can attest international experts participating in the conference (our station already participated in the GSETT-3 experiments).
>
> We do understand that the Ad Hoc Committee has already made its selection of sites for seismic stations. Our proposal, however, could still be considered within the framework of the Preparatory Commission. (...)
>
> Above all, the Government of Seychelles looks forward to playing its role in the search for world peace, and will contribute to this noble ideal by whichever way it can. (...)"

In my capacity as the new permanent representative and former nuclear scientist, allow me also to give an assurance that I am doing my best to make the most positive possible contribution to the progress of the Conference. I came late, but with fresh and objective eyes which can be crucial, especially

(Mr. Iseux, Seychelles)

in the latter stage of a difficult negotiation. As observer in the Conference, and because of our neutrality, we can play an important role as mediator "behind the scenes". For historical reasons we are in an ideal position to effectively negotiate with Asian countries and within the Indian Ocean rim community. In the future we intend to actively participate in the Preparatory Commission and the CTBT Organization in Vienna. On 11 April 1996, Africa signed the Pelindaba Treaty in Cairo. The Seychelles supported this treaty and therefore de facto supports the work of the Conference on Disarmament in Geneva. But, I feel it is also fair to recognize that certain countries have sufficient legitimate reasons to worry. Without touching the draft of the CTBT, it would be wise to give some sort of agenda for the effective implementation of the CTBT and the organization of measures to stop any qualitative improvement of nuclear weapons (a timetable, for example, subject to renegotiation in Vienna). The ideal would be that the participating nuclear States give a solemn declaration not to engage in any further qualitative nuclear tests either by simulation or by other techniques.

I also wish to take this opportunity to raise a more personal viewpoint. I am surprised to note that the CTBT does not appear to be an act of nuclear disarmament, but more an act to secure existing nuclear armament. Therefore, disarmament becomes a question of honour. In this situation, there is no ground for healthy negotiations at the present stage. The CTBT should give birth to an organization, not a select club of five nuclear States who already appear to be the five major conventional arms-exporting countries.

By far the youngest permanent representative here, I feel truly committed to the long-term concept of disarmament. And I also feel that a step-by-step approach to disarmament is necessary. I sometimes wonder if the post-second-world-war Powers are not trying to postpone the inevitable outcome of the post-cold-war transition period: namely a refusal to acknowledge the new international order, with Asia on one side and the Atlantic on the other. In this framework, the disagreements over disarmament are fundamental and bypass the very subject of the Conference. With the countries presently opposing the treaty we can clearly see the emergence of a new form of non-alignment. To conclude: either a limited consensus and a confirmation of the past, or a comprehensive agreement and a treaty worth for ever. Today is the independence day of a noble and beautiful country; please let's make sure that tomorrow remains as peaceful as today.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Seychelles for his statement and for his kind words. I now call on the distinguished representative of Chile, Ambassador Beguño.

Mr. BEGUÑO (Chile) (translated from Spanish): Mr. President, allow me to express my delegation's great pleasure and my personal satisfaction at your skilful conduct of our discussions and to reassure you of my appreciation and willingness to cooperate with you.

I would like to refer to some of the factors contributing to the uncertainty surrounding the outcome of the consultations that have been going

(Mr. Bequño, Chile)

on in the search for the consensus necessary for sending the draft CTBT from the Conference on Disarmament to the United Nations General Assembly. It is absolutely essential that this objective be attained in a proper and timely manner. The raison d'être of the Conference on Disarmament, its political credibility, its institutionality and its connection with the corpus of questions relating to disarmament as well as with the United Nations system would be jeopardized if we proved incapable of acting. It is imperative that the Conference finds the means to enable the fruit of its labours to be examined by the Assembly. The basic premise on which an agreement can be built is the interest of each and every one of the members of the Conference on Disarmament in preserving, strengthening and improving this single multilateral disarmament negotiating forum.

Today as before we consider nuclear tests as acts incompatible with international law and we therefore call for their immediate cessation. The testing of a weapon whose use or the threat of whose use is, as the International Court of Justice recently declared, unlawful cannot be justified in any circumstances. It is, as the Ambassador of Mexico to the United Nations at New York has said, regrettable that the Court did not pursue its argument to its logical conclusion.

Our point of departure is the source of the obligation. For Chile, the Antarctic Treaty and the Treaty for the Prohibition of Nuclear Weapons in Latin America constitute the treaty source. The signing of the comprehensive nuclear-test-ban treaty will merely add the obligation in the second paragraph of article I not to cause, encourage or participate in any test in non-jurisdictional areas. Nevertheless we consider that this obligation already exists, and for the entire international community, as a rule of customary international law.

To allude to guiding principles is not to detract from the importance of an instrument whose political and technical machinery will help the whole international community to assume responsibility for and vigilance over its rules. The shortcomings that exist in the non-proliferation regime will be remedied through a fair, equitable and effective procedure. The Copernican revolution initiated by the Chemical Weapons Convention will gain strength. The cause of disarmament will have gained the impetus to be able to move to a higher stage. To advance in a common direction, to have the feeling that beyond our legitimate differences we are anchored in the same belief, to leave behind once and for all an era of sterile immobility, these are noble aspirations that we must not give up. What is at stake now is not the CTBT as such, despite the years the concept has been ripening, but the very future of international disarmament negotiations, which can only prosper in a climate of mutual trust.

The Government of Chile is prepared to participate in the treaty with a network of stations to monitor the huge Pacific-Antarctic sector that lies off Chile's coasts. In emphasizing our unlimited support for the total elimination of nuclear weapons, we cannot fail to mention our disappointment at some of the shortcomings of the result of the negotiations. We think that,

(Mr. Beguño, Chile)

while perfecting the texts may not be feasible, there can and must be more clarity through complementary understandings that will strengthen the basic obligations of the treaty at their roots.

Comments have been made concerning article XIV of the draft; their significance should be made clear so as to narrow our differences. Attention has been drawn to the risk of not getting all the required ratifications and it has been said that sovereign States cannot be obliged to participate actively in an agreement whose terms do not satisfy them fully. The absence of full consensus highlights the unfulfilled aspects of our task, but it does not invalidate the essential purpose, because no State can oppose the aim of a universal treaty. The time-frames envisaged for entry into force are excessively long and means will have to be found to reinforce the obligation of all States not to infringe the treaty's purpose of complete prohibition at any time between now and the date of full entry into force. The regime for entry into force should be linked to express rules for the interim period. Austria has advocated provisional application and Chile has asked for the incorporation in the text of the moratorium that we supported in the General Assembly and which has now been accepted by the five nuclear-weapon States. We hope that these States will in due course formulate a specific and clear statement concerning their intentions with regard to signature and ratification. We propose that all States that are in a position to do so should declare their willingness to respect the basic obligations of article I of the future treaty from the very signing of the instrument.

Article IX merely reproduces the imperfect language of previous treaties. We hope that the imprecision in the drafting will be overcome by the application in good faith of this article so that it will become firmly established in people's minds that the treaty is not only permanent and indefinite but cannot be suspended at any point in time or in any circumstances. Similarly, our understanding is that a State that exercises its right to withdraw from the treaty will not thereby diminish the obligations acquired pursuant to other treaties, in particular the obligations imposed by the Partial Test Ban Treaty, and that the Executive Council of the Organization will be competent to ask for the convening of a special session of the Conference if it thinks that the withdrawal of a State party affects the operation of the treaty.

Above and beyond the questions of interpretation, there is the question of the suitability of the contents of the preamble, which exhorts us to pursue systematic and progressive efforts with the ultimate goal of eliminating nuclear weapons and bringing about general and complete disarmament. If some people are not unreasonably of the view that such provisions could be more explicit and others think that the text reflects a fair balance between opposing views, would it not be more productive to concentrate the attention of the Conference on Disarmament on the action that we must necessarily take to be true to the intentions expressed in the preamble that we have been able to agree upon as a minimum consensus?

The distinguished Ambassador of Egypt has introduced a document that sets forth a programme of action for the elimination of nuclear weapons. This

(Mr. Beguño, Chile)

exercise is at the point of convergence of other important international efforts. On the anniversary of the tragedy of Hiroshima, the Minister of Foreign Affairs of Chile said that the best commemoration of that tragic event would be progress towards the total banning of nuclear weapons. Following the publication of the report of the United States Stimson Centre entitled "An evolving United States nuclear posture", that Centre's President spoke at the Hiroshima conference of a gradual approach to the reduction of nuclear arsenals. The Canberra Commission after holding its last working session in Geneva has submitted to the Prime Minister of Australia recommendations for a series of immediate and realistic measures and subsequent measures to promote progress towards a world free from nuclear weapons and threats. These and other relevant initiatives could enrich and improve the procedure outlined in the document submitted to the Conference on Disarmament. The elements, time-frames, categories, sequences and time-limits might be questioned. Certainly there are actions that can only be undertaken by particular States unilaterally, bilaterally or regionally. To include them in the list of actions to be carried out, as has been done in the 28-country document and in the report of the Canberra Commission, does not imply any preconception as to the timeliness, emphasis or scope of these actions. What is important is that, pursuant to the understandings enshrined in the preamble of the future treaty, the activities of all interested States should contribute to the common endeavour, the systematic and progressive process that will lead to nuclear disarmament.

This profound commitment to a systematic and progressive process entails giving thought to the suitability of the chosen instrument, the multilateral forum that the Conference on Disarmament claims to be; to its still outstanding expansion pursuant to the General Assembly resolution; to its agenda which, despite the efforts of the Ambassador of Algeria, has yet to be established; to its methods of work, and to a matter to be discussed at the fourth special session of the General Assembly devoted to disarmament, its place on the global disarmament scene. In considering what decision to adopt concerning the transmission of the test-ban treaty to the United Nations General Assembly we shall be opting for a demonstration of faith in the future of this Conference on Disarmament or contributing to the abdication, with very dire consequences, of its duties.

The PRESIDENT (translated from Spanish): I thank the distinguished Ambassador of Chile for his statement and for his kind words to the Chair. I now give the floor to the distinguished representative of Bangladesh, Ambassador Hashim.

Mr. HASHIM (Bangladesh): Mr. President, taking the floor toward the close of your term of office, I would like to convey to you, on behalf of the Bangladesh delegation, our warm felicitations on your skilful conduct of the deliberations of the Conference on Disarmament at this crucial final phase of the comprehensive test-ban treaty negotiations. For Bangladesh, your presidency has provided us with the house-warming phase in the CD as we moved from observer status in the wings to full membership of this sole multilateral negotiating body on disarmament matters.

(Mr. Hashim, Bangladesh)

At the end of the second part of this year's session of the Conference, the Chairman of the Ad Hoc Committee on a Nuclear Test Ban presented the draft text of a possible CTBT, considering that, in his understanding, the potential for convergence on certain crucial issues had peaked without there being any possibility of resolution. We had joined our voice with 27 other members of the Group of 21 to express our regret that the CD had not been able to agree on a final text by 28 June and to say that we looked forward to the continuation of the negotiations when the session resumed for the third part.

Bangladesh remains committed to striving for the finalization of a CTBT. This commitment is rooted in the fundamental principle of our State policy to pursue "the renunciation of the use of force in international relations and for general and complete disarmament", as set forth in the Constitution of Bangladesh. We ardently hope that the CD will be able to finalize agreement on a truly comprehensive nuclear test-ban treaty in time for transmittal to the United Nations General Assembly.

This would require a readiness to address concerns that the draft treaty as presented, apart from lacking in comprehensiveness, also does not address, some crucial issues highlighted by a good number of delegations. This is however, not to undermine the commendable efforts made by Ambassador Ramaker and the diligence with which he persevered in his challenging task as NTB Committee Chairman. His text has been able to capture much of the emerging consensus, although we feel that in the true spirit of negotiating a final outcome, the Conference could perhaps have proceeded during the second part of its current session on the basis of the rolling text, which we feel would have been the most plausible, and indeed, efficient mode to guarantee progress towards attaining consensus. Nevertheless, we consider document CD/NTB/WP.330/Rev.1 to be a good basis on which further negotiations can, and ought to, be pursued in right earnest and without delay.

The finalization of a comprehensive nuclear test-ban treaty has long been a demand of the non-aligned movement. We see a CTBT as a step towards achieving total disarmament. Therefore, like many in the Group of 21, we feel that there is an overriding need to place the CTBT in the broad frame of nuclear disarmament. In the absence of such a frame, the CTBT would be little more than a blind-alley instrument of nuclear non-proliferation, with the only qualitative distinction being a cap on testing by the nuclear-weapon States. For a non-nuclear-weapon State party to the Nuclear Non-Proliferation Treaty (NPT) like Bangladesh, such a limited scope treaty can have little meaning. As a party to the NPT, our renunciation of the option for acquiring nuclear weapons is unequivocal, and since last year's Review Conference it is formally effective for an indefinite period. This renunciation is not born of the desire to seek protection under the nuclear umbrella of others, but to seek the systematic dismantling of the world's nuclear arsenal. Hence the value we attach to article VI of the NPT.

We see article VI of the NPT as a mandate for action that would gradually facilitate the matching of the commitments of both nuclear-weapon States and non-signatories to our level. If a CTBT is to be read in the context of

(Mr. Hashim, Bangladesh)

article VI of the NPT, it is appropriate that the treaty text provide a window on nuclear disarmament beyond the test ban. The decision at the NPT Review Conference of 1995 calling for the completion of the negotiations on a CTBT within this year is also placed in the context of the full realization and effective implementation of article VI of the NPT. We now also have the benefit of the advisory opinion of the International Court of Justice, which underlines the obligations of all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its spheres under strict and effective international control.

Bangladesh would like to reiterate that the most effective way to achieve an end to nuclear testing is through the conclusion of a universal, and internationally and effectively verifiable comprehensive nuclear test-ban treaty. We would like to reiterate also that this indispensable step needs to be seen as a part of the striving of the international community for attaining the ultimate goal of a nuclear-weapon-free world.

Concerns expressed by various delegations regarding the provisions in the NTB Chairman's text concerning the composition of the Executive Council of the envisaged Comprehensive Nuclear Test-Ban Treaty Organization, entry into force, and most importantly, on-site inspections (OSI) - especially the envisaged role of national technical means (NTMs) in the verification regime, need to be addressed if we are to have a universal and effective treaty. We strongly advocate that the verification regime, indeed the whole implementation of the treaty, should rely first and foremost on the international monitoring system (IMS). The differential in NTM capacities of States could potentially provide scope for discriminatory, and even abusive practices. We would also like to stress that, should NTMs be given a role in OSI triggering, then NTM sources must also be made subject to the same scrutiny as the International Monitoring System, if not a more stringent one. Bangladesh, of course, welcomes the announcement by the NTB Chairman of the recent developments concerning paragraph 46 of article IV of the text. On the question of environmental protection, we are happy that the Chairman's text has included at least some reference in the preamble. It is also a matter of great satisfaction that there has finally been agreement on the text of the report of the Ad Hoc Committee on a Nuclear Test Ban.

We trust that our views will be received with the same measure of earnestness that these are founded on, considering that as a non-nuclear-weapon State party to the NPT, we are least motivated by a national nuclear agenda, and cannot be cited for past or potential nuclear truancy.

In the NTB Chairman's text, Bangladesh is included in the list of 44 countries whose ratification of the treaty is linked to its entry into force. We are not certain if this gives us cause to celebrate an "élite" status with the major actors in the nuclear context, or to be concerned at the potential notoriety that this inclusion may impart. Since Bangladesh is already bound by its broader commitment under the NPT, a national commitment under a CTBT would perhaps be superfluous; and therefore cannot be a formal condition for its entry into force.

(Mr. Hashim, Bangladesh)

One of the major considerations for us on the CTBT question would be the financial obligations that would devolve on the States parties, both in the interim period following signature, as well as subsequently, when the treaty enters into force. As a least developed country, Bangladesh would have to base its decision, to a large extent, on this budgetary arithmetic - especially if it should mean paying for the cost of a CTBT, which, as stressed earlier, merely reaffirms part of a broader commitment already made in the context of the NPT. We have, therefore, noted with much interest the new suggestions made by a few delegations at the CD on the question of meeting the verification and overhead costs. We also feel that there is need to take a fresh look at this issue. Options that we envisage could include the following: (a) Non-nuclear-weapon States parties to the NPT, which are already bound by a broader and more stringent regime than the envisaged CTBT, and which would therefore be parties to the treaty only to impart a universal character to the CTBT, could be exempted from any financial obligation; (b) Least developed countries could be required to bear only part of the fixed administrative cost of the Organization, calculated at United Nations rates. No assessment would be applicable for either the standing International Monitoring System or the regular verification costs; (c) Since non-nuclear-weapon States parties to the NPT would not in effect be making any new commitment under the CTBT, they may be considered to have automatically acceded to the CTBT, and may not be counted towards entry into force of the CTBT. They may be considered parties to the treaty while outside, and therefore be exempted from any cost-sharing burden under the CTBT.

The PRESIDENT (translated from Spanish): I thank the distinguished Ambassador of Bangladesh for his statement and for his kind words to the Chair. I now give the floor to the distinguished Ambassador of Cuba, Ambassador Caballero.

Mr. CABALLERO (Cuba) (translated from Spanish): As announced yesterday by my delegation, I have the honour to address today's plenary of the Conference on Disarmament to make on behalf of my Government a national statement on the draft treaty submitted by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban in document CD/NTB/WP.330/Rev.2.

Although Cuba appreciates the efforts made by Ambassador Ramaker, we deeply regret that the Ad Hoc Committee was unable to produce a draft treaty commanding universal support. Despite the many attempts made to distort the truth and represent certain countries as being responsible for this denouement, we delegations that have been most active in this exercise from the outset are all too familiar with the intransigent position taken by particular nuclear Powers which has prevented the Ad Hoc Committee from carrying out the full mandate assigned to it by this Conference. It stems from a refusal to site this treaty in its proper context - that of non-proliferation and disarmament - or to undertake to achieve nuclear disarmament within a set period and guarantee that the qualitative development of nuclear weapons will not continue, as the international community has demanded at length.

(Mr. Caballero, Cuba)

What is this refusal in response to? What is lurking behind the ambiguities and omissions in the text? Negotiations conducted in good faith and without hidden agendas should be transparent, precise and sincere.

According to the spirit of the mandate, the basic objective of a CTBT should be to ban all nuclear tests in all environments forever, thus hindering the qualitative development of nuclear weapons and the creation of new nuclear-weapon systems.

For that reason it has for Cuba always been a matter of high priority that the treaty should be of sufficient scope to offer some assurance that it would indeed attain this objective.

The want of political will on the part of particular nuclear Powers has prevented any clear statement on this question from being made, even in the preamble. What document CD/NTB/WP.330/Rev.2 in fact contains is another partial test-ban treaty.

It is the practice in treaty law for the preambles of multilaterally negotiated international instruments to reflect the purposes and principles of the negotiations that have taken place.

Cuba, alongside other members of the Group of 21, worked intensively and submitted concrete proposals to try and offset, in the preamble at least, some of the main shortcomings in the body of the draft. Despite our efforts, we did not obtain the results we had hoped for.

The attitude of some delegations was so unconstructive that it proved difficult even to secure the insertion of an extremely weak reference, far removed from the practice in treaty language, to a matter of high priority for the international community - the beneficial impact on the environment of a ban on nuclear explosions.

As regards the use of data obtained by national technical means to trigger on-site inspections, Cuba reiterates its concern at the way such information might be used by virtue of the provisions of the draft treaty.

The relevant clauses not only afford scope for manipulation of national technical means by the main States possessing them but omit to rule out the use of espionage and human intelligence.

On the subject of the Executive Council, we consider it improper to include financial contributions among the criteria for the assignment of seats on this important body. This might constitute a precedent infringing the principle of the sovereign equality of States.

On another matter, Cuba deeply regrets that greater efforts were not made to find a formula for the entry into force of the treaty that took due account of all delegations' legitimate concerns.

(Mr. Caballero, Cuba)

Nor must we overlook the fact that the limitations of the draft take on added relevance against the background of the sizeable financial demands which it is planned to make on States by virtue of the treaty, including the poorest of the third world States which will have to ratify the treaty before it can enter into force.

These, briefly, are some of the comments our Government wished to put clearly on the record in reference to the draft treaty.

In spite of the more exceptionable aspects we have listed, Cuba will not oppose this draft treaty, chiefly because we think that a ban on nuclear explosions is supremely important and represents a step forward, albeit a modest one, in the advance towards nuclear disarmament which is our Government's top priority in its disarmament and international security policy.

The Government of Cuba will make a thorough study of the contents of this document and will in due course determine on that basis its final position on it. A copy of this statement will be submitted to the secretariat for its inclusion in the report that we hope will be adopted shortly by the Ad Hoc Committee on a Nuclear Test Ban.

The PRESIDENT (translated from Spanish): I thank the distinguished Ambassador of Cuba for his statement. I now give the floor to the distinguished representative of the Islamic Republic of Iran, Ambassador Nasseri.

Mr. NASSERI (Islamic Republic of Iran): I am taking the floor today to make a brief statement reflecting our views and positions on the Comprehensive Test Ban Treaty.

It appears that the Ad Hoc Committee will not be able to present a consensus text to the Conference on Disarmament. It is profoundly regrettable that the long-awaited aspiration of the international community to arrest the quantitative and qualitative development of nuclear weapons will not be met. None of us ever underestimated the difficulties involved in the work entrusted to the Conference on Disarmament and through it to the Ad Hoc Committee on a Nuclear Test Ban. But, then, none of us anticipated a failure either.

The appalling fact here is that failure could be avoided. It was never understood, nor I believe will it ever be, why, how and where a decision was made that the negotiations should cease abruptly and be replaced by an accelerated move towards deadlock.

We have come a long, long way. The draft treaties proposed by the Islamic Republic of Iran, Australia and eventually by the Chairman have contributed to minimizing the problem areas to a handful. Instead of dealing, therefore, with the more than 1,000 brackets - which had remained stubbornly on the table for a long time - we are, in practical terms, faced with no more than three or four small brackets at this late stage.

(Mr. Nasseri, Islamic Republic of Iran)

One critical issue, of course, is nuclear disarmament. Many delegations are dissatisfied with the text, particularly after limitations imposed on the scope which seriously questions the comprehensive nature of the treaty demanded by the mandate. The minimum here is to reiterate a commitment to a phased programme with agreed time-frames to eliminate nuclear weapons. On the verge of convening SSOD.4, we cannot see why a commitment, which has already enjoyed consensus ever since SSOD.1, cannot be renewed.

On national technical means, the changes that have been made in the text in line with the Chinese proposal have been helpful. However, the devastating record of certain States in utilizing national means to spread false accusations as pretext for extraterritorial application of their national positions raises serious scepticism and concern about this issue. We do not disagree that data received from the International Monitoring System could be combined with that from national technical means in requesting on-site inspection. What troubles us in the text is to designate a status to national technical means equal to that of an IMS with such extensive and elaborate networks.

We stress that national technical means apply provisionally and only to explosions not currently covered by the IMS. We also reiterate that national technical means, as referred to in the text, should not and could not be interpreted in any way to include information received from espionage and human intelligence, as this would run contrary to generally recognized principles of international law.

On the composition of the Executive Council, we were stunned to see in the Chairman's text a listing that would obviously raise a political problem not related to CTBT and therefore not called for.

Let me recall here that the text that was under consideration had Israel listed in the Western Group, just as is the case in many international forums. For reasons unclear to us, the Western Group shut the door on Israel here and moved it to our group without our consent. It was only appropriate, therefore, to move Israel back to the West and resolve this problem. However, noting the resistance by apparently one or two western States to accept Israel's return to their group, we went along with the suggestion to allow the Conference of the States Parties to redraw this list when it convenes, hence removing an obstacle in the way of reaching a consensus.

In short, as far as we are concerned, consensus could be easily reached with small changes in the text, as reflected at the end of this statement. However, a unilateral decision by some nuclear Powers to block any change in the text proposed by the Chairman has, so far, given rise to an impasse.

Let me restate here that we are plagued by a prevailing notion in various negotiations at the CD that those who possess and use, or are prepared to use, nuclear weapons and other weapons of mass destruction enjoy a privileged status. Others are always presumed to be ready to compromise on their

(Mr. Nasseri, Islamic Republic of Iran)

national interests and positions in favour of these Powers. We have suffered in the past, are suffering now, and are bound to suffer again in the future from this notion.

I reported in my previous statement to this plenary on the precarious situation the Chemical Weapons Convention has fallen into in the face of failure so far by the two CW States, the United States and the Russian Federation, to ratify that treaty despite the fact that it was tailored to fit their positions. The same is likely to happen to the CTBT as there are now strong indications of opposition to the CTBT by the existing majority in the United States Congress. Doubts therefore exist already on the eventual ratification of the treaty by the nuclear-weapon States. This despite the fact that they have been setting the terms and drawing the limits on the most critical issues and dictating procedures at crucial stages, particularly during the last phase of our work.

Many delegations have expressed dissatisfaction in their assessment of the draft treaty. Instead of rejoicing at the conclusion of the CTBT, 28 non-aligned members of the CD have thus asked for cessation of all nuclear-weapon tests and closure of all nuclear-weapon test sites within their proposed programme of action for elimination of nuclear weapons (CD/1419 of 7 August 1996). It is evident that they find the current text fails to fulfil the established objective of a comprehensive test ban.

We want the CTBT to succeed. We have demonstrated this by contributing at every step to resolve outstanding problems. We also want to be able to sign the treaty. We can go along with nearly all parts of the text presented by Ambassador Ramaker, although not all of it may be to our liking or satisfaction. But, the remaining issues I have mentioned prevent us from lending our support to it.

I stress, however, that the remaining issues can be resolved. It does not require much ingenuity nor much time. It only requires sincere will. The Ad Hoc Committee was mandated to negotiate a universal treaty. That, in turn, requires a text that is agreeable to all. No effort, therefore, should be spared to ensure this. The Conference on Disarmament has, on many occasions in the past, demonstrated its ability to surmount the seemingly insurmountable. It must be allowed to do so again here and now.

The following are our proposed changes:

1. Amend the fourth paragraph of the preamble to read as follows:

> "Stressing therefore the need for continued systematic and progressive efforts to reduce nuclear weapons globally, <u>through negotiations on a comprehensive phased programme with agreed time-frames</u>, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control,";

(Mr. Nasseri, Islamic Republic of Iran)

2. Amend paragraph 37 of article IV to read as follows:

"The on-site inspection request shall be based on information collected by the International Monitoring System, which may be combined with any relevant technical information obtained by national technical means of verification in a manner consistent with generally recognized principles of international law. The request shall contain information pursuant to Part II, paragraph 41, of the Protocol."

3. Remove Israel from the Middle East and South Asia group and include it in the North America and Western Europe group.

The PRESIDENT (translated from Spanish): I thank the distinguished representative of the Islamic Republic of Iran for his statement. I now give the floor to the distinguished representative of Turkey, Ambassador Uluçevik.

Mr. ULUÇEVIK (Turkey): Sir, since this is the first time that my delegation is taking the floor under your presidency, I would like to congratulate you on your assumption of the presidency of the Conference on Disarmament and assure you of my delegation's cooperation.

Today I have asked for the floor to bring to the knowledge of the Conference a statement issued by the Ministry of Foreign Affairs of Turkey on 14 August 1996 on the CTBT negotiations.

By your leave, Sir, I would like to read out the unofficial translation from Turkish into English of that statement, as follows:

"The most significant and priority task before the Conference on Disarmament is to expeditiously bring to conclusion the work on the text of the comprehensive nuclear test-ban treaty, so that it could be open for signature at the forthcoming fifty-first session of the United Nations General Assembly.

That draft treaty presented by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban as a result of more than two years of negotiations in the Conference on Disarmament, is a compromise text reflecting a delicate balance among various interests.

Consultations which have been held in the CD have demonstrated the validity of concerns that reopening the text for further negotiations would jeopardize compromises achieved with great difficulty.

Turkey, in keeping with its policy on the issue of non-proliferation of nuclear weapons, supports the Ad Hoc Committee Chairman's draft treaty, which constitutes an important milestone from the perspective of nuclear disarmament, and also endorses the objective of its submission for signature to the fifty-first session of the United Nations General Assembly. Turkey believes that in order not to fail justified expectations of world public opinion, it is the task of CD members to achieve this objective."

The PRESIDENT (translated from Spanish): I thank the distinguished representative of Turkey for his statement and for his kind words to the Chair. I give the floor to the distinguished representative of Australia, Ambassador Starr.

Mr. STARR (Australia): I wanted to take the floor to express appreciation to my colleague the Ambassador of Chile for the reference to the Canberra Commission report. I think my colleagues in the Conference would be interested to know - if they don't already of course - that the Commission's report, that is, the report of the Canberra Commission on the Elimination of Nuclear Weapons, was delivered to the Australian Government this week. This report, which was produced by an independent group of eminent people with extensive knowledge and experience of the subject-matter of disarmament, contains much thought-provoking material of a practical and realistic kind and which we expect will prove to be a constructive contribution to the debate on disarmament and non-proliferation.

The report is now publicly available. Given its scope, I will not attempt to summarize it here, but intend to circulate shortly a paper containing an executive summary and associated material. I can mention for those who are computer-literate amongst us that the report is on the Internet, but I would warn them before they rush to download this report that it runs to 120 pages. I will have hard copies available for the non-computer-literate later this month.

May I conclude by saying that the Australian Government intends to present the report to the General Assembly later this year and to the Conference on Disarmament at the beginning of its 1997 session.

The PRESIDENT (translated from Spanish): I thank the distinguished Ambassador of Australia for his statement and for the information that he provided.

I have no more speakers on the list for today. Would any other delegation like to take the floor? Apparently not. With your permission, then, I will make a closing statement, as Peru's term of office as President is coming to an end.

As this is the last plenary meeting that I shall have the honour of chairing, allow me to make a few brief comments. When I assumed the presidency of the Conference on Disarmament, I said that this Conference was at a crucial stage in its history because the negotiations on a comprehensive test-ban treaty had entered the home stretch. Now, some six weeks later, I consider that the Conference is still at a crucial stage because it will have to decide within the next few days and hours on the course that the draft test-ban treaty should follow. In this context, I cherish the hope that the international community will be able to have a treaty like the CTBT, although I understand and respect the concerns expressed by some delegations which consider that the draft text that we have before us does not correspond to their national interests. It is important to emphasize that the Conference,

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as the sole multilateral negotiating forum on disarmament, must respond to the aspirations of the international community, an international community that is expecting from this body real and concrete results.

I also spoke on the same occasion of my firm resolve to continue the consultations initiated by my predecessors on matters of prime importance for the future work of the Conference. With regard to nuclear disarmament, I felt it necessary to continue consultations in order to find consensus on this subject. With regard to the agenda and future programme of work of the Conference, we have before us the report submitted last May by the distinguished Ambassador of Algeria, Ambassador Meghlaoui, special coordinator on this subject, and we are awaiting the outcome of the consultations that are still going on with the various groups. Likewise, under my presidency I began consultations on the possibility of appointing a special coordinator or Friend of the Chair to deal with the consideration of a possible future expansion of membership of the Conference. These consultations will have to go on because they are still in a preliminary phase.

I regret having to hand over these outstanding issues to my successor, the incoming President, Ambassador Dembinski of Poland, and I hope that the efforts that have been made thus far will bear fruit under his presidency. I wish Ambassador Dembinski every success in his office and I offer him my delegation's full support.

Lastly, I wish to thank Mr. Vladimir Petrovsky, Secretary-General of the Conference and Personal Representative of the United Nations Secretary-General, Mr. Abdelkader Bensmail, Deputy Secretary-General, and the team in the secretariat for their valuable support and their services to the CD.

At my request, the secretariat has distributed the tentative timetable of meetings for next week. This timetable has been drawn up in consultation with the Chairman of the Ad Hoc Committee on a Nuclear Test Ban; as usual, it is merely indicative and subject to change if necessary. May I take it that this timetable is acceptable?

It was so decided.

The PRESIDENT (translated from Spanish): According to this timetable, the next plenary meeting of the Conference on Disarmament will be held on Tuesday, 20 August at 10 a.m. Before adjourning this meeting, I would like to remind delegations that yesterday the Ad Hoc Committee decided to meet immediately after it in this room.

The meeting rose at 11.30 a.m.

CONFERENCE ON DISARMAMENT

CD/PV.746
20 August 1996

ENGLISH

FINAL RECORD OF THE SEVEN HUNDRED AND FORTY-SIXTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 August 1996, at 11.00 a.m.

President: Mr. Dembinski (Poland)

GE.96-63641 (E)

The PRESIDENT: I declare open the 746th plenary meeting of the Conference on Disarmament.

It is an honour for me to assume the presidency of the Conference on Disarmament for the final part of the 1996 session. Having been personally actively involved in the CTBT negotiation process since its commencement in 1994, first as Chairman of Working Group 2 and later as Chairman of the Ad Hoc Committee on a Nuclear Test Ban itself, I was looking forward to Poland's presidency of the CD at the end of the 1996 session. It was my fondest hope that at this particular juncture I would have the privilege to gavel in the final consensus text of the CTBT. As of now, it does not seem that my hope will materialize. Nevertheless as the first speaker on my list, the Chairman of the Ad Hoc Committee, Ambassador Jaap Ramaker, will, I am sure indicate in his report, there is a negotiating record which in itself is invaluable.

As President of the Conference on Disarmament during a tenure that will last until the end of 1996, I shall have a number of issues to address. I shall stay in close contact with, and seek the cooperation of all members of the CD in advancing the work that was undertaken by my immediate predecessor, Ambassador Urrutia of Peru, as well as by the distinguished representatives of Pakistan and Nigeria.

At this juncture I should like to place on record my satisfaction that, due to the spirit of accommodation displayed by all, the long-overdue question of expansion of the CD has been successfully resolved with the admission of 23 new members. In this connection, it is my intention to pursue consultations on the most appropriate approach to deal with the 13 outstanding applications for CD membership, including the possibility of appointing a special coordinator.

By the nature of things, the final part of the annual CD session makes it incumbent on the President to address problems pertaining to the agenda and programme of work of the forthcoming CD session. In this connection, I look forward to Ambassador Meghlaoui's report of his consultations on the review of the CD agenda. His conclusions will be invaluable in helping us prepare for a smooth start to the 1997 session. For my part, consistent with the mandate given to the President at the beginning of the current session, I shall continue the efforts of my predecessors in order to determine how best the issue of nuclear disarmament could be addressed.

The question of the programme of work will also pose itself with great immediacy. Unlike in 1996, when the CD focused its attention on the negotiating process pursued in only one subsidiary organ, consideration must be given to the possibility of reactivating the subsidiary organs either working or formally established in the past. Through Group Coordinators and otherwise, I shall be in direct contact with CD members to keep under active consideration the re-establishment of the Ad Hoc Committees on Negative Security Assurances, Prevention of an Arms Race in Outer Space, Transparency in Armaments and "Cut-Off". Serious consideration must also be given to aspects of conventional arms where, like in the field of anti-personnel

(The President)

land-mines, the feasibility of specific negotiating effort could be usefully explored, as many delegations, including the Polish delegation, have been suggesting for some time.

As the Conference on Disarmament approaches the end of its current session, the annual report-writing will, of course, be of direct and practical concern to the President. However, I am confident that in this report I shall be able to rely on the cooperation of all delegations, as well as on the expertise, support and invaluable assistance of the distinguished Secretary-General of the Conference on Disarmament, Mr. Petrovsky, the Deputy Secretary-General, Mr. Bensmail, and their competent secretariat staff.

I have on my list of speakers for today the Chairman of the Ad Hoc Committee on a Nuclear Test Ban and the representatives of India and Pakistan. I should now like to give the floor to Ambassador Ramaker of the Netherlands, who, in his capacity as Chairman of the Ad Hoc Committee on a Nuclear Test Ban, will introduce the report of that Committee as contained in document CD/1425.

Mr. RAMAKER (Netherlands): Mr. President, I am pleased to see you today in the Chair of the Conference. It seems to be our fate that at crucial moments in the nuclear-test-ban negotiations, it is you and I who have to work closely together. Twice I have been your successor: in 1995, as Chairman of the Working Group dealing with legal and institutional matters; this year, as Chairman of the negotiations as such. Now, as President of the Conference, you will once again play a crucial role. I pledge my full support for your endeavours.

Today I am taking the floor in order to introduce the report of the Ad Hoc Committee on a Nuclear Test Ban which the Ad Hoc Committee approved last Friday, and which is now available to delegations as document CD/1425. The report traces the steps that have led us to the draft text of a comprehensive test-ban treaty, the outcome of a long and difficult negotiating process. The report also contains positions of delegations with regard to this treaty text. In most cases these positions are in support of the text. Despite the support expressed, and much to my regret, the Ad Hoc Committee had to conclude, however, that no consensus could be reached either on the text or on its transmittal to the Conference on Disarmament.

In its consensus resolution 50/65 of 12 December 1995, the General Assembly of the United Nations requested the Conference on Disarmament to conclude a comprehensive test-ban treaty so as to make it possible for the treaty to be open for signature by the outset of the fifty-first session of the General Assembly. Throughout my tenure as Chairman of the negotiations on a nuclear test ban, I have been guided by the deadline that the world community has given us. I think that, in response to the appeal made, it is now incumbent on the Conference on Disarmament to report to the General Assembly of the United Nations on its work. I therefore recommend that the Conference adopt the report of the Ad Hoc Committee and submit it to the General Assembly.

(Mr. Ramaker, Netherlands)

Since 23 January of this year, I have had the privilege of presiding over the negotiations aimed at concluding a comprehensive test-ban treaty. My chairmanship coincided with a crucial period in the test-ban negotiations, as it was clear to all that the time had come to clench a treaty the world had been waiting for so long. A little over half a year has passed since and it has been possible for us to make tremendous progress towards the realization of that objective. There seems to be a widespread realization that, with the latest version of the draft text of the comprehensive test-ban treaty as contained in working paper CD/NTB/WP.330/Rev.2, the Ad Hoc Committee reached the very limits of what it could negotiate. So a great many countries represented in the Conference on Disarmament have concluded that, despite remaining concerns, they can accept the draft treaty as it stands now.

I am indebted to all my colleagues who have contributed to this result. A particular word of gratitude goes to my two fellow members of the Bureau, Ambassador Berdennikov of the Russian Federation and Ambassador Zahran of Egypt. Their wisdom and advice have been an invaluable contribution to what we have finally achieved. But the treaty text would not have been brought about without the help of many hands. I am therefore also particularly grateful to the many Friends of the Chairs of the Ad Hoc Committee and the two Working Groups, as well as, in a later phase of the negotiations, the moderators. Lastly, a particular word of thanks for the efficiency and cooperation shown by the secretariat. In due course, I shall have an opportunity to thank in more detail everyone who has contributed with so much dedication to the work of the Ad Hoc Committee.

For me personally, presiding over the nuclear-test-ban negotiations has been a difficult, yet extremely gratifying task. I am grateful for the cooperation and the understanding that throughout my tenure I have enjoyed from all delegations assembled in this hall today. I am grateful also for the many signs of support and encouragement that I have received from all corners of the world. While, in crucial moments, I was alone in deciding the course to follow, I thus never felt lonely.

The PRESIDENT: I thank the Chairman of the Ad Hoc Committee on a Nuclear Test Ban for his statement and for the kind words he addressed to the Chair. I intend to invite the Conference to take up for decision the report of the Ad Hoc Committee on a Nuclear Test Ban just introduced by Ambassador Ramaker once we have exhausted the list of speakers. I now give the floor to the representative of India, Ambassador Ghose.

Miss GHOSE (India): Mr. President, please accept my congratulations on your assumption of the presidency. With your intense experience of the negotiations on a CTBT in this forum as Chairman of the Ad Hoc Committee on a Nuclear Test Ban and Chairman of one of the two Working Groups, there is perhaps no one more competent or entitled to preside over this session of the Conference as you are. My delegation would also like to express its appreciation of the previous President, Ambassador Urrutia of Peru, for the quiet yet supportive way in which he handled what must have been an extremely frustrating tenure.

(Miss Ghose, India)

We have just been presented with a report of the Ad Hoc Committee on a Nuclear Test Ban by its redoubtable Chairman, Ambassador Jaap Ramaker of the Netherlands. I shall not shower any encomiums on him just now as he is still the Chairman and the work of the Ad Hoc Committee has still to be completed. I cannot, however, permit this opportunity to pass without thanking him for his untiring efforts, supported by his delegation, in trying to guide the deliberations of the Ad Hoc Committee with calmness and determination.

This report which has just been presented says it all. We were regrettably unable, in spite of the best efforts of all delegations, to reach consensus on a CTBT at this point in time. Several texts were presented during the negotiations. That there was, albeit qualified, support for the one proposed by Ambassador Ramaker on 14 August is clear from the report. What is also clear is that many other countries mainly from the G.21 group of neutral and non-aligned countries had grave reservations on this text. Indeed, many had wished for the negotiations to continue so that we could have, perhaps, been able to reach what we had been mandated to negotiate, a universal, multilaterally negotiated consensus text. Unfortunately, this was not to be.

For two and a half years we engaged in intensive negotiations to conclude a comprehensive test-ban treaty. Over the years, a CTBT had become a symbol of hope for progress towards nuclear disarmament. India led the call for a CTBT in 1954 and had co-sponsored many of the resolutions that helped build the international momentum behind it. It is a matter of considerable regret, therefore, that present efforts fell far short of what we had set out to achieve.

In January 1994, we gave ourselves the mandate "to negotiate intensively a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which would contribute effectively to the prevention of proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security". It reflected the different objectives that delegations sought to achieve, but also the imperative of a balance. Our approach in the negotiations had been to try and ensure this balance. Unfortunately, the text which was presented by the Chairman in its latest version on 14 August did not reflect this balance and therefore did not do justice to the mandate. We believe that the text in fact failed the intent of the mandate. The urgent challenge before the world community in the closing years of the century - of capping vertical proliferation and qualitative upgrading of nuclear weapons - and the advance down the road to eliminating nuclear weapons from the face of the Earth which should have been heralded by the CTBT remain as much out of reach as ever. Only the ends of horizontally non-proliferation are reinforced.

As negotiations progressed, we witnessed an evolving text moving away from the mandate. We have some experience of this. The Non-Proliferation Treaty, which was extended indefinitely in 1995, was also a treaty that had been originally sponsored by India and other countries as a major disarmament measure and which, during negotiations, had been distorted to one which

(Miss Ghose, India)

instead divided the world into nuclear haves and have-nots. With its indefinite extension, nuclear weapons were sought to be legitimized in the hands of the nuclear-weapon States for ever. The arguments put forward by these countries before the International Court of Justice immediately after the NPT extension reiterated their understanding that the NPT had legitimized not only indefinite possession of nuclear weapons by them, but also their right to use them. The world was burdened indefinitely with the differential notion of sovereignty, one entitled to nuclear weapons and another not. This cannot be the basis on which a sane and secure world order can be erected. The CTBT should have represented a historic departure from mankind towards the shared goal of a nuclear-weapon-free world.

During the negotiations on the CTBT, we tried through constructive suggestions to remove some of these shortcomings. Our first attempt was to place the CTBT within the disarmament framework by defining it as the first step in the process of achieving nuclear disarmament within a time-bound framework. Given that preambular references to nuclear disarmament in other treaties have been ignored, we felt that such a reference would be more meaningful if contained in the operative part of a treaty text. We were not seeking to prescribe a specific time-frame, which we realize requires detailed consideration. What we were seeking was a commitment which could have acted as a catalyst for multilateral negotiations for the elimination of nuclear weapons within a reasonable span of time. The striving itself would have rendered the momentum irreversible.

We have always believed that the objective of a CTBT was to bring about an end to nuclear weapons development. We are all aware that nuclear explosion technology is only one of the technologies available to the nuclear-weapon States. Technologies relating to subcritical testing, advanced computer simulation using extensive data relating to previous explosive testing, and weapon-related applications of laser ignition will lead to fourth-generation nuclear weapons even with a ban on explosive testing. It is a fact that weapons-related research and development in these technologies is being promoted. Our objective therefore was a truly comprehensive test-ban treaty, rather than merely a nuclear-test-explosion-ban treaty. For many years, we had been told that a CTBT was not possible because testing was required for the safety and reliability of existing nuclear weapons. We questioned it then and now we know that we were right. Today, underground explosion technology has the same relevance to halting development of new nuclear weapons by the nuclear-weapon States as banning atmospheric tests did in 1963. A truly comprehensive treaty should have fossilized the technology of nuclear weapons.

Despite our efforts, these concerns were not addressed, nor did India's proposals receive adequate consideration. The draft text, as we saw it emerging, was a cause for concern. In spite of our emphasizing these concerns in the negotiations repeatedly, we found that these had been ignored in the text presented in May by the Chairman as "a platform for reaching final agreement". We clearly stated then that we would not be able to subscribe to

(Miss Ghose, India)

that text. In a later version put forward by the Chairman the situation remained unchanged. As a result, we were obliged to reiterate that India could not subscribe to the Chairman's draft treaty text.

After we had made our decision known, the article on entry into force was modified in a further revised version of the Chairman's text, apparently at the insistence of a small number of countries with the clear aim of imposing obligations on India and placing it in a position in which it did not wish to be. Such a provision has no parallel. This procedure, adopted despite India's declared disassociation with the draft text, has been perceived very negatively in our capital. We would have hoped that the working of the CD would have been more transparent. It is unprecedented in multilateral negotiations and international law that any sovereign country should be denied its right of voluntary consent on adherence to an international treaty. We therefore express our strongest objection to the formulation of article XIV in the Chairman's text. Those that are insistent on this provision had been well aware of the clear position of India on this article. Why, then, despite the consequences, this insistence? The CD is a multilateral negotiating forum of sovereign States. Insistence on such provisions, which run contrary to international legal norms and practice, will erode the standing and credibility of the CD, which is the sole multilateral negotiating body for disarmament.

The perception of the Chairman's text which I have just delineated is shared across the Indian political spectrum. The Chairman's text did not serve the purpose of promoting the realization of universal disarmament goals. Continuing nuclear weapons development and proliferation in our region which raise national security concerns for us were in no way addressed by his text. Further, the sentiment against the attempt duress embodied in the article on entry into force is equally strong. We deeply regret that, despite our clear views and efforts towards an alternative approach, it was not found possible to take this step. This refusal to recognize our legitimate concerns left India with no option but to oppose the adoption of the Chairman's text in the Ad Hoc Committee. Our opposition to that text continues. We would not, therefore, agree to it being forwarded to the United Nations General Assembly in any form by this Conference. We are aware that General Assembly resolution 50/65 had expressed the readiness of the General Assembly to resume its consideration of item 65 on the CTBT before the fifty-first session, with a view to endorsing a text. The Conference on Disarmament has no text of a CTBT to recommend to the General Assembly at this time. Our commitment, however, to nuclear disarmament by continuing to work towards achieving the objective of a nuclear-weapon-free world remains undiminished.

The PRESIDENT: I thank the representative of India for her statement and for the kind words she addressed to the Chair. I now give the floor to the distinguished representative of Pakistan, Ambassador Akram.

Mr. AKRAM (Pakistan): Mr. President, it is a special pleasure for me to see you assume the presidency of the Conference on Disarmament at this crucial moment in our negotiations. We trust that you, if anybody, will succeed in salvaging something from the negotiations on the CTBT, and thereby preserve the role and functions of this body. I would also like to take this opportunity to congratulate your predecessor, Ambassador Urrutia of Peru, for the smooth and efficient manner in which he discharged his responsibilities in the difficult circumstances which prevailed last month. Let me also take this opportunity to once again thank Ambassador Ramaker, the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, for the outstanding work which he has accomplished with the support of a superbly able delegation.

The Pakistan delegation deeply regrets that, after two and a half years of painstaking negotiations, the Conference on Disarmament has been prevented by one country from recommending the adoption or transmission of a comprehensive test-ban treaty. Pakistan has already declared its views on the shortcomings of the draft treaty contained in WP.330/Rev.2. The scope of this draft should have been more comprehensive. It should have included clearer commitments to nuclear disarmament and against the further development of nuclear weapons. It should have included more categorical assurances against the abuse of procedures for on-site inspections and national technical means in verifying compliance with the treaty. Pakistan's views on these aspects of the draft treaty and our interpretations of some of its vital provisions are reflected in the report of the Ad Hoc Committee in document CD/1425.

Despite its several shortcomings, Pakistan was prepared to endorse this draft treaty as the basis for consensus and to forward it to the United Nations General Assembly for adoption. We continue to believe that the CTBT can be and should be a first step in the process of nuclear disarmament and the complete elimination of nuclear weapons. This treaty will help constrain the development of new types of nuclear weapons and the qualitative development of existing nuclear weapons. This treaty will contribute quite decisively to nuclear non-proliferation, especially in our region.

It has been said here and elsewhere that the opposition to the CTBT has come from an unlikely source. This is the opinion of those who may be uninitiated in the nuclear history of South Asia. Since the outset, Pakistan has known and expressed its concern about the nuclear ambitions of its eastern neighbour: when nuclear facilities were acquired in the early 1960s outside any safeguards; when fissile material was secretly diverted to build a nuclear device; when a nuclear bomb was exploded across our border in 1974, in the guise of a "peaceful nuclear explosion"; when ballistic missile capability was being developed in the guise of a peaceful programme for outer space; now, when short-range nuclear-capable missiles are sought to be deployed along our border and medium-range missiles are under development.

Hypocrisy has indeed been the hallmark of the nuclear posture of the country which has blocked the CTBT in this Conference. Its bomb was, after all, called a peaceful nuclear explosion; its medium-range missile was dubbed a "technology demonstrator". When Pakistan proposed the creation of a nuclear-weapon-free zone in South Asia, when we suggested bilateral or

(Mr. Akram, Pakistan)

regional full-scope safeguards or bilateral or regional commitments against nuclear proliferation, we were told by our neighbour that it could accept only global measures which committed the nuclear-weapon States also. The CTBT is such a measure. This, too, is now rejected. For us, the reasons are fully evident. These are not derived from any moral commitment to global nuclear disarmament.

When this treaty was sponsored in the General Assembly in 1993, which proposed the initiation of negotiations on the CTBT by this country, it did not insist on a provision linking the treaty to a commitment by the nuclear-weapon States to a "time-bound" framework for nuclear disarmament. Perhaps it expected that the treaty would never reach this stage. Pakistan supports the conclusion of a time-bound programme for nuclear disarmament. We have sponsored the proposal in the Conference on Disarmament, together with 27 other countries members of the Group of 21. But to insist that the nuclear Powers give a prior commitment to such a programme as a precondition for the entry into force of the CTBT is obviously unrealistic and unreasonable. It is, to our view, a transparent device to avoid a commitment to a nuclear-test-ban treaty, to veto a vital disarmament measure which has virtually universal support.

Today the mask of the smiling Buddha has been torn off, revealing the face of the goddess of war. The leaders of our neighbour have proclaimed that they will keep their nuclear options open; that they reserve the right to conduct nuclear tests; that they will go ahead with their short- and medium-range missile programmes.

Letters and gestures of appeasement have ensured, rather than lifted, the veto against the treaty. To convey assurances to this country that it can stay out of the treaty as long as it does not block its transmission to the General Assembly has further emboldened it in rejecting the CTBT. It has, moreover, sent the wrong signal to the rest of us who have been asked to support this treaty. The people of Pakistan, who have suffered from discriminatory pressures and penalties for many years, cannot but wonder at such double standards.

On behalf of the Government of Pakistan, I would like to state, for the record, that any step of nuclear escalation by our neighbour will find a matching response to preserve our national security. We will not accept discrimination or double standards. We will not accept unilateral obligations and commitments.

We are all aware that the CTBT may well rise from the ashes, like the phoenix, in the United Nations General Assembly. Pakistan would regret any procedure that circumvents the Conference on Disarmament, the single multilateral negotiating forum on disarmament. The responsibility for the consequent erosion of the CD's role and functions should be clear. We hope that in subsequent endeavours nothing will be done to erode the wide consensus which has emerged on the draft treaty. In particular, any effort to change the condition in article XIV that the treaty, to come into force, must be

(Mr. Akram, Pakistan)

signed and ratified by all the nuclear-capable States will destroy the consensus on the treaty. To allow one nuclear-capable country to opt out of the CTBT is to kill all hope for a global nuclear-test-ban treaty.

The PRESIDENT: I thank the distinguished representative of Pakistan for his statement and for the kind words addressed to the Chair. That concludes my list of speakers for today. I see the distinguished delegate of Iran asking for the floor. Ambassador, you have the floor.

Mr. NASSERI (Islamic Republic of Iran): Mr. President, my deep felicitations to you for having assumed the presidency and, indeed, congratulations to ourselves for being assured of able guidance at this last stage of the work of the Conference. My deep gratitude and appreciation also to the outgoing President, Ambassador José Urrutia, for his skilful conduct of our work during the last month.

Frankly, I was hesitant to take the floor after the two statements that have been made but, nevertheless, since we are at an important stage of the work, I am compelled to say a few words.

The Ad Hoc Committee on a Nuclear Test Ban, its members and particularly its Chairman, Ambassador Ramaker, have to be and deserve to be commended. Much has been done. Much has been accomplished. A treaty that has been aspired for through decades was bricked together piece by piece through hard and dedicated work, patience, perseverance and a profound sense of cooperation - the virtuous characteristics of this unique body and this distinct group.

Towards the end, however, the Committee was overwhelmed by self-imposed urgency and drifted towards an unhealthy trait as negotiations were moved behind closed doors and became limited to an exclusive number of States, while others remained on standby. No real consultations followed either. Questions were asked about the views on the remaining issues, but the door was slammed shut on any consideration of them by a mysterious, rather forceful position that there has just been an advance entry into the take-it-or-leave-it phase, an entry that should have been avoided and was certainly uncalled for. While we did not oppose that the Ad Hoc Committee, out of lack of further esteem or due to sheer fatigue or perhaps for any other reason we are unaware of, could report a hasty non-consensus situation to the Conference on Disarmament, albeit we continue to find this exercise inappropriate and irregular, we will also not disagree with its adoption here. But now this Conference is in a position to take a fresh and sober look at this situation and to exert every effort in the time it has available to it and to explore every possibility to bring about consensus, thus helping the premature baby delivered by forceps gradually adjust itself to the realities and requirements of life outside its incubator. Here, of course, a skilful, compassionate and sensitive touch is needed as unplugging too quickly may result in damage beyond remedy.

The PRESIDENT: I thank the distinguished Ambassador of Iran for his statement and the kind words addressed to the Chair. Does any other delegation wish to take the floor? That seems not to be the case.

(The President)

I should now like to invite the Conference to take action on the report of the Ad Hoc Committee on a Nuclear Test Ban as contained in document CD/1425. May I take it that the Conference adopts this report? I see no objection.

It was so decided.

The PRESIDENT: It appears that further consultations are still required in order to reach agreement on the course of action to be taken with regard to the report of the Ad Hoc Committee on a Nuclear Test Ban that we have just adopted in order to enable the Conference to reach a decision at the next plenary meeting on Thursday, 22 August.

The next plenary meeting of the Conference on Disarmament will be held on Thursday, 22 August 1996, at 10 a.m., in this room.

The meeting rose at 12.15 p.m.

CONFERENCE ON DISARMAMENT

CD/PV.747
22 August 1996

ENGLISH

FINAL RECORD OF THE SEVEN HUNDRED AND FORTY-SEVENTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 22 August 1996, at 10 a.m.

President: Mr. Dembinski (Poland)

GE.96-63687 (E)

The PRESIDENT: I declare open the 747th plenary meeting of the Conference on Disarmament.

Before giving the floor to the speakers inscribed on the list I would like you to recall that at our last plenary meeting on Tuesday, 20 August, following the adoption of the report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference as contained in document CD/1425, I stated the following:

> "It appears that further consultations are still required in order to reach agreement on the course of action to be taken with regard to the report of the Ad Hoc Committee on a Nuclear Test Ban ... in order to enable the Conference to reach a decision at the next plenary meeting on Thursday, 22 August."

Intensive consultations have taken place both within and among groups in order to reach agreement on this matter. Unfortunately, it appears that there is no consensus on any further course of action with regard to the report of the Ad Hoc Committee on a Nuclear Test Ban.

I understand that a number of delegations would like to take the floor on this matter. First, I understand that the distinguished Ambassador of Pakistan would like to take the floor.

Mr. AKRAM (Pakistan): The role of the Conference on Disarmament, as the single multilateral negotiating body, was enshrined in the Final Document of the first special session on disarmament. The role of this body in negotiating the CTBT has been consistently underlined by the Pakistan delegation throughout the process of negotiations of the last two and a half years. We continue to believe that the Conference on Disarmament must play its part in the conclusion of the CTBT. My delegation has already expressed its regret at the inability of our Conference to take a decision on the text of the draft treaty. We have, however, adopted the report of the Ad Hoc Committee, which was transmitted to the Conference on Disarmament at our last meeting. It is the view of my delegation that this report of the Ad Hoc Committee, which was adopted by the Conference without objection, should be transmitted for information to the General Assembly of the United Nations immediately. This action will at least retain and confirm the role of the Conference on Disarmament in the negotiation of multilateral disarmament measures. I would hope that this proposal will meet with the consensus of the Conference.

Mr. de ICAZA (Mexico) (translated from Spanish): First, of course, Sir, we extend to you our heartiest congratulations on your assumption of the presidency of the Conference. We have long known your qualities, your dedication to the cause of disarmament and your skill in the field of the halting of nuclear tests.

Mexico's comments on the draft comprehensive nuclear-test-ban treaty are to be found in the Ad Hoc Committee's report which the Conference approved the day before yesterday. It is not my intention to repeat them here; suffice it

(Mr. de Icaza, Mexico)

to say that it does not fully live up to the hopes we had of the negotiations. None the less, Mexico was in favour of the submission of the draft treaty to this Conference on Disarmament for its consideration and supports its referral by this body to the United Nations for consideration during the resumed fiftieth session of the Assembly. Since there was no consensus on that, my delegation considers it essential that the Ad Hoc Committee's report be referred to the fiftieth United Nations General Assembly, for it would be very serious if a comprehensive nuclear-test-ban treaty were not opened for signature next month as was intended. If it is not, we shall have missed an historic opportunity. Furthermore, we would be running the risk of encouraging horizontal and vertical nuclear proliferation and undermining current efforts in the spheres of arms control and reduction of nuclear stockpiles. If the treaty is not signed, it would, of course, be very hard to initiate, let alone institutionalize, a dynamic process leading to general and complete nuclear disarmament. On the contrary, we could diminish the present strong worldwide public support for disarmament. The cause of nuclear disarmament would be the first victim of our failure. Nuclear tests must end immediately and end once and for all; that is the demand of the international community. This Conference has made a commendable effort to translate this demand into a legally binding instrument. The fiftieth General Assembly is entitled to be informed of our labours. My delegation supports the proposal made by the representative of Pakistan.

The PRESIDENT: I thank the distinguished Ambassador of Mexico for his statement and the kind words he addressed to the Chair. I understand that the distinguished representative of Brazil would like to take the floor on this question of the action.

Mr. LAMAZIERE (Brazil): Let me first congratulate you, Sir, on your assumption of the presidency of this body and assure you of the total cooperation of my delegation. The interventions by the Ambassadors of Pakistan and Mexico have made my task easier. My delegation also thinks that it is only natural that after adopting the report of the Ad Hoc Committee, both at the level of the Committee and at the level of the Conference, the natural course of action in concluding the work of the Committee would be to send this report to the General Assembly, and we support the proposal by the Ambassador of Pakistan.

The PRESIDENT: I thank the distinguished representative of Brazil for his statement and his kind words to the Chair. I understand that the distinguished Ambassador of Egypt would like to take the floor on this question of the action to be taken on the report.

Mr. ZAHRAN (Egypt) (translated from Arabic): Mr. President, I welcome your presence in the Chair of this Conference and I wish you every success. I would also like to express my sincere appreciation to your predecessor, the Ambassador of Pakistan, Mr. Munir Akram, for his wise conduct of our proceedings during this critical period of our work, and to express similar appreciation to the Ambassadors of Peru and Russia.

(Mr. Zahran, Egypt)

Mr. President, with regard to the matter you have just raised, I would like to explain our position. With our adoption of the report of the Ad Hoc Committee on a Nuclear Test Ban, which met under the very effective guidance of Ambassador Ramaker, we consider that the work of the Ad Hoc Committee has been concluded and that, in accordance with its mandate, the Committee has negotiated a text for a comprehensive test-ban treaty. For that reason, we consider that the Ad Hoc Committee has no more work to do on negotiating or finalizing this treaty. Following the adoption of the report, we consider that the work done by Ambassador Stephen Ledogar of the United States of America as Friend of the Chair should be submitted to the President of the Conference in the plenary. In view of the adoption on 20 August of the Ad Hoc Committee's report, I consider it is our duty and our right to transmit that report as is to the General Assembly in accordance with resolution 50/65, paragraph 6. The General Assembly has the right to know the state of the negotiations concerning the test-ban treaty. The General Assembly has the right to know how those negotiations went, the Ad Hoc Committee Chairman's assessment, and the positions of the delegations which spoke on the Committee's report, including the delegation of Egypt. Mr. President, I have taken the liberty of sending you a letter containing the position of Egypt on the treaty and the transmittal of the text and showing that Egypt shares in the consensus to send it to the General Assembly. We therefore support the transmittal of the report of the Ad Hoc Committee on a Nuclear Test Ban to the General Assembly in accordance with the Assembly's resolution 50/65. We consider that could be done in the form of a decision by this meeting or by the Conference on Disarmament or in the form of a letter which you would write as President of the Conference to the President of the General Assembly in order that the General Assembly can take into account the report of the Ad Hoc Committee when it takes up the question of a comprehensive test-ban treaty at its resumed fiftieth session.

The PRESIDENT: I thank the distinguished representative of Egypt for his statement and his kind words to the Chair. I give now the floor to the distinguished representative of Peru.

Mrs. TINCOPA (Peru) (translated from Spanish): First of all, Sir, I would like to congratulate you on your assumption of the presidency of the Conference on Disarmament. We know your professional qualities and wish you every success.

My delegation wishes to associate itself with the delegations which have requested that the report of the Ad Hoc Committee on a Nuclear Test Ban be forwarded to the General Assembly as soon as possible. The Conference on Disarmament, as the sole multilateral negotiating forum on disarmament, cannot disappoint the international community, which awaits concrete results from it.

The PRESIDENT: I thank the distinguished representative of Peru for her statement and her kind words to the Chair. I give the floor to the distinguished representative of Chile.

Mr. CAPDEVILA (Chile) (translated from Spanish): First, Sir, my delegation wishes to congratulate you on presiding over the debates of the Conference on Disarmament during this period. We wish you every success in your duties.

The Chilean delegation wishes to make a brief statement on the matter currently under discussion. The Chilean delegation supports the idea that the Conference on Disarmament should, without further delay, adopt a decision to the effect that document CD/1425, which contains the report of the Ad Hoc Committee on a CTBT, should be forwarded to the fiftieth session of the General Assembly of the United Nations for its consideration. The political costs and negative repercussions for the Conference on Disarmament should the text not be forwarded in due time would seriously harm the credibility of the international community's sole disarmament negotiating body. Accordingly, my delegation associates itself with the statements to this end made by Pakistan, Mexico, Brazil and Peru.

The PRESIDENT: I thank the distinguished representative of Chile for his statement and his kind words to the Chair.

Mr. STARR (Australia): Mr. President, I do apologise for interrupting your flow. But allow me, since I am speaking, to congratulate you on your assumption of the presidency. It is a great pleasure for me to see you on the podium and I can assure you of the full cooperation of my delegation.

I interrupted you because I wished to speak on the item of business which you were discussing, namely, the transmittal of the NTB report to the General Assembly immediately. I endorse the comments that have been made by other speakers regarding the transmission of that report. I believe the report is a significant record of the work of the Ad Hoc Committee. While my delegation focuses its attention on the fate of the treaty text which has been negotiated by that Committee, we believe that the report is an important element in the Conference on Disarmament's processing of the work of the Committee and, therefore, deserves, first of all, the adoption that it has received within this Conference, but also the transmission of that report to the international community now, that is, to the General Assembly. Therefore, the Australian delegation would support the comments that have already been made regarding the transmission of the report. I wondered, however, whether we should not complete this item of business. There are undoubtedly other speakers waiting to address the Conference, but I understand not on this particular item, and I would hope that perhaps you can review - revisit your conclusion that there is not consensus on the transmission of this report, given the list of speakers that have urged its transmission, and now put to this Conference the transmission of the report which this Conference has already adopted. I cannot see any reason why this Conference, having adopted this report, should not now wish to apprise the international community, through the General Assembly, of a situation which we regard as both serious and urgent.

The PRESIDENT: We have a formal proposal by several delegations, including that of Australia. So, I open again the question of whether there would be consensus to transmit the report of the Ad Hoc Committee on a Nuclear Test Ban, which we adopted on 20 August, to the fiftieth session of the General Assembly. The representative of Iran has the floor.

Mr. NASSERI (Islamic Republic of Iran): Just a query. What precisely is the decision that you are putting to the floor to be adopted? Because if it is a question of the report to the General Assembly, we have of course rule 44 of the rules of procedure. The President would have to present to us a draft for consideration. There is no draft, so we do not know on what precise proposal there is a request for consideration.

Sir Michael WESTON (United Kingdom of Great Britain and Northern Ireland): As you will know from our consultations, the Western Group is unanimously in favour of transmitting this report to the General Assembly and you presented the members of the Conference, through the Group Coordinators, with a draft on Tuesday of the report which you suggested should be made to the General Assembly. And so, certainly, as far as the Western Group is concerned, the answer to the question of the distinguished Ambassador of Iran would be that you did circulate a draft report on Tuesday of this week.

Mr. BENJELLOUN-TOUIMI (Morocco) (translated from French): I did not really intend to take the floor. I should like, Sir, to discharge the duty of congratulating you on your assumption of the presidency and assuring you of our cooperation and to thank your predecessor for the excellent work done to date.

I am surprised that the transmittal of a report that has been adopted by the Conference on Disarmament should not be following the normal procedure. This report was adopted by the Conference, it is well balanced, it reflects the real situation; to transmit it to the United Nations General Assembly seems to me entirely natural, since each of us was able to put all his comments and views in the Ad Hoc Committee's report before the Conference on Disarmament adopted it. Consequently, to bury it, so to speak, at the level of the Conference on Disarmament would be at the least an arbitrary act. I consider it entirely natural that a document adopted by the Conference on Disarmament on such an important topic should, even if there is not consensus among the members of the Conference, be transmitted by the Conference on Disarmament to the General Assembly. It is as natural and simple as that. I was even going to say that we could simply say today, at this meeting, that in principle we are going to transmit it and that we will leave it to you to give us a paper reflecting that which we could perhaps adopt later. But to get the matter over with, we just need to say that the Conference accepts the idea of transmitting the report and ask you to draft a very simple sentence on the basis of the text I see before me - and I think that text is itself very simple - a very simple sentence saying that the Conference on Disarmament transmits the Ad Hoc Committee's report to the General Assembly and nothing more.

The PRESIDENT (translated from French): I thank the representative of Morocco for his statement and his kind words to the Chair.

(continued in English)

The distinguished Ambassador of Slovakia has the floor.

Mrs. KRÁSNOHORSKÁ (Slovakia) (translated from French): I would like on behalf of the Eastern European Group to support the statement by the distinguished Ambassador of the United Kingdom.

The PRESIDENT: So in order to make things clear, maybe I will just read the brief draft report which was submitted for consultation to regional Groups. It reads as follows:

"1. At its 746th plenary meeting on 20 August 1996, the Conference on Disarmament adopted the report of the Ad Hoc Committee on a Nuclear Test Ban as contained in document CD/1425 and Corr.1.

"2. In conformity with rule 43 of its rules of procedure, and in response to resolution 50/65 adopted without a vote by the General Assembly on 12 December 1995, the Conference on Disarmament submits to the General Assembly of the United Nations this special report containing the report of the Ad Hoc Committee on a Nuclear Test Ban, which reads as follows:" -

and then would follow the text of the report which we have adopted.

That is the proposal which was discussed and I think goes along the lines also proposed here by several speakers. Would this text be acceptable? The distinguished Ambassador of China has the floor.

Mr. SHA (China) (translated from Chinese): The Chinese delegation has listened with attention to the statements made by several of my colleagues who took the floor before me. The Chinese delegation firmly supports the transmittal to the General Assembly of the report of the Ad Hoc Committee on a Nuclear Test Ban which the plenary adopted by consensus on Tuesday.

Mr. NASSERI (Islamic Republic of Iran): I appreciate your clarifications as well as the clarifications presented by Ambassador Sir Michael Weston. It is true, of course, that apparently a non-paper or a Conference paper without number, date or otherwise, has been distributed or presented by Coordinators to various members and, indeed, we have had some discussion on this. But eventually it was not clear as to whether this is a proposal by a Group, a number of countries, or is this a draft that was prepared by the President and is being proposed to the Conference for consideration? That is one of the questions that remains unclear.

Now, about the necessity - as resolution 50/65 calls for - or the wisdom of transmitting a separate report to the resumed fiftieth session of the General Assembly, some believe that there is a relevance, a need, to have such

(Mr. Nasseri, Islamic Republic of Iran)

a separate report. For my delegation, that really is unclear and I am not raising this as a political question. It is really a question of principle and also a question of credibility of the Conference on Disarmament and the way we conduct our work. Because to report separately to the General Assembly in an urgent manner, on a non-consensus situation, does set a precedent. Presumably, this Conference is going to continue its work and have other important negotiations. It will be quite awkward, I think, and perhaps unhealthy to consider that in the future as well, at any point, negotiations could somehow come to a halt, and a quick decision would be made to report non-consensus to the General Assembly.

A precedent would be created by such a decision and by having a separate report. We are considering this at a time when it is entirely possible to have the full report, the annual report of the Conference on Disarmament, prepared very quickly because we have not done much other work. We have item 1 and item 2 which perhaps require a bit of consideration, and consideration of item 2 is not entirely unrelated to item 1 because questions, for instance, that relate to nuclear disarmament and how this Conference is going to treat that question in the future - including the pending proposal on the table which has also been demanded by the General Assembly to establish an ad hoc committee - is likely to have a bearing for some countries, including mine, in the consideration of the whole issue as nuclear disarmament has been one of the sticking-points in the draft treaty that has been proposed. But, nevertheless, I believe you are fully aware of the rules of procedure. Rule 44 suggests that the drafts of such reports, that is, annual or any other reports from the Conference on Disarmament, shall be prepared by the President of the Conference with the assistance of the Secretary-General and shall be made available to all member States of the Conference for consideration at least two weeks before the scheduled date for their adoption. Now, this is the proper way to examine and consider any proposal. That is the way, my delegation believes, we should consider this proposal, just as we would at any other occasion any other proposal.

If the Conference feels that we have to set another precedent, that we have another aberration, we really should have a good reason for it. If there is a need, as has been suggested through these consultations through Coordinators, that there is a date envisaged for a signing ceremony and, working backwards, that at a certain date this non-consensus report - for whatever value it is - should be presented to the General Assembly, and then again working backwards, at a fixed certain date we have to adopt that report, all of these timing questions are not clear to us, because I believe it is entirely possible to have this report; even if the intention is to have a separate report presented to the fiftieth General Assembly, it is entirely possible to follow the rules of procedure and deliver it in time. Therefore, there are questions of this nature that remain, and I would assume that a hasty decision here would probably create more problems than solving anything, and in that light, perhaps it would be useful to have further consultations in another form - open-ended consultations under your guidance, Mr. President,

(Mr. Nasseri, Islamic Republic of Iran)

just to clarify some of these points, just to see what the game plan is, when a signing ceremony is intended, if any, and then just work together on this and see what it is that we precisely need to do, and when, in order to allow this process to move forward.

Mr. HOFFMANN (Germany): I will speak to congratulate you later, but first let us do some work. We have a procedural problem on our hands really and, of course, we all love our rules of procedure. But, to my memory, rule 44 has never been invoked before, and during my time here we would never have had a final report out in time if we had invoked this rule of procedure, and I suppose the secretariat would agree with this assessment. So, therefore, I think we should deal with our business in the usual way and not invoke rule 44.

Therefore, and under the circumstances that we all know about and given that we have had the text since Tuesday, I think the time is ripe now to take a decision. But, if Iran insists on rule 44, then, as a fall-back, we still have the proposal on the table that you write a letter to the President of the General Assembly. This would not be a formal report. There, in the second paragraph, you would just take out rule 43 of the rules of procedure and the text would go as a letter. So these are the two options I see in front of us, but I would much prefer the first option, namely, a special report of the Conference.

Ms. GHOSE (India): For purely fortuitous reasons, over the last three days I have been operating as the Coordinator of the Group of 21, and in my efforts to try faithfully to reflect - a very difficult task - the views of the Group of 21 during the informal consultations that you held, I was constrained in my ability to voice my delegation's, my Government's, point of view on this issue.

I think that the issue of rules should not be so quickly dismissed. We have been dismissing precedents, rules, legal argumentation with too much ease, and yet we keep talking about the credibility of the Conference on Disarmament. I think we should really see what it is we are doing. If the credibility of the Conference on Disarmament is to exist, we cannot brush aside rules unless there are very good reasons. I am now speaking as the representative of India, not on behalf of any other delegation or group of delegations.

At the last plenary meeting, we did adopt the report of the Ad Hoc Committee on a Nuclear Test Ban. This report, as we were told by the Chairman of that Committee, contained the history of the negotiations. This report also makes it quite clear why we were not able to agree on a treaty text. Clearly, the General Assembly needs to be informed about this fact in order for it to decide what further action needs to be taken, in its view, to promote a true and genuine test-ban treaty. Obviously, then, my delegation would have no objection to this report being sent to the General Assembly in the regular course, as the Conference on Disarmament is expected to report - and as the delegate of Morocco said, there is nothing surprising in this - to

(Ms. Ghose, India)

the General Assembly on a regular basis. However, what has been proposed both in the text and today is, in our view, somewhat extraordinary and curious; that is, sending a report which contains a history of negotiations to a resumed session of the General Assembly.

Now, the curiosity and the motives behind this, the reasons behind this, are not very clear, at least to us. The General Assembly resolution, which I have before me, clearly called on the Conference on Disarmament to negotiate a universal and multilateral effectively verifiable comprehensive test-ban treaty, and it called upon the Conference on Disarmament to advance the work on the basis of the rolling text. It further called upon the Conference on Disarmament to make all efforts to re-establish the Ad Hoc Committee and make all efforts to complete the final text of the treaty as soon as possible in 1996. It also declared the General Assembly's readiness to resume consideration of the item, as necessary, before its fifty-first session in order to endorse the text of a comprehensive test-ban treaty.

Now, as we are all aware, the Conference on Disarmament did not reach consensus on a text of a comprehensive test-ban treaty. So I do not think that the resumed session of the General Assembly is expecting anything from the Conference on Disarmament. The Conference on Disarmament has completed its work as far as that is concerned. Yes, the results of that work need to be communicated to the General Assembly as a part of our annual report. The point that we are trying to make here is that the adoption of the Ad Hoc Committee's report last Tuesday completed and concluded, as far as we were concerned, the action required by the Conference on Disarmament on this matter.

As I said, apart from sending the Ad Hoc Committee's report as a part of its regular annual report to the next General Assembly, which I have no doubt it will do - and it will be seen in the context in which these negotiations took place - we have heard today much about the credibility of the Conference on Disarmament and proceeded almost straight away to try and undermine that credibility. But I would like to make two other points. One is something which is not reflected in the report but is reflected in the verbatim records of the Conference on Disarmament: during the course of these negotiations we have been told that the Conference on Disarmament is not the forum where nuclear disarmament can be discussed. I think that those who question our motivations about nuclear disarmament should recall that when we talk about the credibility of the Conference on Disarmament. We believe, and we continue to believe, that it is the sole multilateral negotiating body on disarmament. It is not we who are saying we will not negotiate here. This is not the first occasion when the Conference on Disarmament has not reached agreement; this is not the first occasion when one delegation has opposed overwhelming agreement on a particular decision of the Conference on Disarmament. The Conference on Disarmament continues in its efforts, and we intend to continue to do this.

I am putting these views forward because we still have a question. We have a question: we are not sure why we are sending this report to the resumed session. To send it to the General Assembly, by all means, that is taken for granted, and we would clearly, having participated in the adoption

(Ms. Ghose, India)

of the report, not at all object to this report going to the General Assembly in normal course. What raises the questions in our mind is: why are we doing this to the resumed session? The General Assembly asked us for a text. There is no text that the Conference on Disarmament can recommend. We therefore - at least for the moment - have no objection to further consultations; perhaps this may offer clarifications and further possibilities. But for the moment, we find this particular proposal unwarranted.

Mr. KREID (Austria): Apart from our congratulations to you on having assumed the presidency in this difficult moment of our deliberations, let me say that many of us in this room at this point experience a strong sense of frustration, which, however, is part of our job and, therefore, we cannot complain. We are also aware, I think, that the reasons advanced by a few delegations which do not wish, obviously, that we come to a conclusion - to a fast and clear conclusion - of our work here, have not been convincing. They are based on procedural aspects, which basically means that we are going to have to dally on for days, which is going to be very costly, both in terms of money, if you consider the time and effort that goes into this, and also, I think, in terms of prestige for the Conference on Disarmament. I must admit both Ambassador Nasseri and Ambassador Ghose are extremely persuasive and I certainly appreciate the skilful way they presented their arguments. However, I still must say that what we are going to gain by delaying a decision, or by not coming to a decision today, is nothing of substance. The report which we are supposed to adopt is a mere formality. It is merely endorsing another report which has already been adopted. So I really believe that anybody who is seriously looking at the substance of the work we are doing should have second thoughts in making us linger on this frustrating business.

Sir Michael WESTON (United Kingdom of Great Britain and Northern Ireland): I would like to recall that you said at our last plenary meeting on Tuesday, as you reminded us today, that a decision would be taken today on whether to transmit the Ad Hoc Committee report to the fiftieth session of the General Assembly. No delegation objected to what you said about taking a decision today. We have a number of delegations who want to make substantive statements. Would it not be better if you were now simply to put formally to the Conference the question whether there is any objection to what you are proposing? And, whatever is decided, we can leave it at that and get on with our work.

Mr. BENJELLOUN-TOUIMI (Morocco) (translated from French): I wanted first of all to restate a principle which I have upheld since I first came here, namely that procedure is important, it is the guarantor of our rights. I therefore appreciate the full value of the procedural arguments which have been adduced. Nor am I going to change my opinion now, even though I may not entirely share the point of view of the speakers concerned. I understand why people should want to raise procedural issues: substance is also at stake, for procedure is often linked to substance. That having been said, I would also like to say that the reading which has been given of General Assembly resolution 50/65 is one that I fully respect; I fully respect India's point of view. But other readings are possible, too, and I will now give one which, it seems to me, is perhaps the simplest. It is my belief that the first answer

(Mr. Benjelloun-Touimi, Morocco)

to the question why we wish, pursuant to our rules of procedure, to transmit the report of the Ad Hoc Committee which was adopted by consensus to the General Assembly by the next session - there is, of course, a question of timing, but we will come back to that later - the first answer to that question is to be found in the preamble of the General Assembly resolution, where it reads, in English:

(continued in English)

> "Reaffirming that a comprehensive nuclear-test ban is one of the highest priority objectives of the international community in the field of disarmament and non-proliferation".

(continued in French)

Thus it is an extremely important matter for the international community. We have been making efforts throughout the year; we have not totally succeeded - that is apparent from the Ad Hoc Committee's report - so we are forwarding to the General Assembly the results of our best efforts, and the report, I believe, reflects our successes and our failures. In my view, then, there is an answer: the answer is that the issue is such an important one that we wish to pass it on now rather than waiting to include it in the annual report of the CD to the fifty-first session of the General Assembly. So, for me the answer is one which is to be found in the resolution itself and which is based on the provision which has already been cited, operative paragraph 6, since the General Assembly declares itself prepared to resume its work at the fiftieth session with a view to endorsing the text. But if we cannot, we send them the results of our best efforts - and the Ad Hoc Committee's report, I believe, faithfully reflects the best that we could manage. We are, therefore, within the framework of our rules of procedure and we are not in my opinion doing anything out of the ordinary. It is because the issue is a fundamental one that we want to inform the international community of the results - the admittedly unsatisfactory results - of our work. Now there is, indeed, a question of timing. I think - and without going into the question of precedents, without saying that some people are trying to slow things down or not to slow them down, without going into all those considerations - that we have always approached the question of time-frames with a degree of flexibility and we could do the same today. Now, of course, it is up to everybody to decide whether they wish to subscribe to this reading that I have just suggested, that is, to inform the General Assembly, which represents the entire international community, even those not here in Geneva, of the results of our efforts, which for them are fundamental, and to let them decide what they want to do with them now. That is the reading which I would offer of this text.

Mr. AKRAM (Pakistan): I am sorry to ask for the floor again on this question, but I believe that the decision that we would take on this issue is a vital one for the future of our Conference, notwithstanding the remarks that have been made here in this discussion.

(Mr. Akram, Pakistan)

I would like to clarify Pakistan's approach to this issue. We are proposing the transmission of the report of the Ad Hoc Committee not because we entirely agree with the outcome of the negotiations or even approve them. Our views on that are well known. But we are all aware in this body of the nature of the developments that are likely to follow. And regardless of the contents of the resolution and the rules of procedure, it is to these realities that we must address ourselves and see what is in the best interest of our delegations' views and the interests of this institution which we value.

Our desire in transmitting the report of the Ad Hoc Committee to the General Assembly is to ensure, firstly, that the views that were expressed by my delegation, the proposals we made and the negotiating positions we held, are duly conveyed to the general membership of the United Nations and that they form a part of the negotiating record of this treaty. The second, and, we believe, equally important objective is to ensure that the General Assembly and the negotiating record of this treaty should reflect the role which has been played by the Ad Hoc Committee and by the Conference on Disarmament in the evolution of the draft text of the comprehensive test-ban treaty. This is, we believe, a vital part of the process of establishing and maintaining and preserving the credibility of the Conference on Disarmament.

We hold that we can, of course, enter into a long discussion about the rules of procedure, and I would be the last one to ever seek to enter into an argument on the rules of procedure with my distinguished brother and colleague, the Ambassador of Iran. I would not feel confident in entering into such a discussion on the rules of procedure. But the proposal that we had made is not under rule 43. The proposal we made was a very simple one. It was that the Conference on Disarmament should transmit immediately, I repeat, immediately the report of the Ad Hoc Committee to the United Nations General Assembly for information. That is all. It is not under rule 43. Rule 44 does not apply. It is simply a decision which we have proposed. We believe that we have adopted the report of the Ad Hoc Committee. There is no disagreement on the substance of the report. It is simply a decision to transmit it to the General Assembly. We do not ascribe motives to anybody. We have no motivations other than those we have stated in this intervention.

The PRESIDENT: I thank the distinguished Ambassador of Pakistan for his statement.

As I see the situation now - and I go back to my statement on Tuesday when I said that consultations were needed in order to see whether there was consensus to take action on the report today, 22 August - the discussion we have here makes it perfectly clear that there is no consensus to take action today. Having said that, I am perfectly willing, and I think it might be necessary, to conduct further consultations to see whether action on this issue can be taken at a later stage. I think that, with this statement, we could conclude the discussion or debate on this today. If there is no consensus to take action, I will conduct further consultations in whatever form may be suggested, or I see fit, and then I would like to go to the list of speakers. The United Kingdom has asked for the floor.

Sir Michael WESTON (United Kingdom of Great Britain and Northern Ireland): I am sorry to take the floor yet again, but I wonder if we do not really need to resolve this issue, and I would repeat my suggestion that you should formally ask us whether there is consensus to transmit this report, either in the way in which you proposed on Tuesday or in the much simpler way - which, I think, avoids any difficulty over rules 43 and 44 - which has been proposed this morning by the distinguished Ambassador of Pakistan. But really, it does seem, to my delegation at least, that we have better things to do than go on having daily Presidential consultations which lead us nowhere.

While I have the floor, I would just make one comment about rule 44 and, really, ask if anyone is formally insisting that that rule be invoked. If they are, it is my understanding from what the secretariat told us in those informal consultations in the President's office that that would be the precedent. It is not a question of creating a precedent by not applying rule 44, but the precedent would be to apply it. My understanding from the secretariat at those meetings is that that rule has never been applied.

Ms. GHOSE (India): As you will recall, the idea of continuing consultations had been made by me earlier. It is not always that I find what my distinguished colleague from Pakistan says attractive, but I think that what he just read out - I was not able to take it down - is something which we would like to consider if there is time to consider. I would like to do that, if you wish, in this forum or informally or whatever, because what we have been working on is the so-called non-paper which you read out, so let me call it the President's proposal, and that we would have difficulties with. So it is just a query to you, Mr. President, that perhaps, if you wish, you can conclude today by saying that there is no consensus, or you could say that today there is no consensus and we would like to continue our consultations further. My delegation would be prepared to do that.

Mr. ZAHRAN (Egypt) (translated from Arabic): If there is insistence on applying rule 44 of the rules of procedure, the fact is that, as was said earlier, in the five years that I have been here in Geneva representing my country in the Conference on Disarmament that rule has never been applied. In any event, every assembly is master of its own decisions concerning its rules of procedure. So, if the question before the Conference is not one of preparing a report but of transmitting the report of the Ad Hoc Committee on a Nuclear Test Ban to the General Assembly by means of a letter written by you, as I said in my first statement, a letter from the President of the Conference on Disarmament to the President of the General Assembly, there is no need here to invoke rule 44. If the matter can be handled by sending a letter from you to the President of the General Assembly, that could be done very easily. It would be good if the intention here was to inform the General Assembly when it meets in resumed fiftieth session to examine the application of resolution 50/65. We support that.

Mr. ARMSTRONG (New Zealand): Since I have not spoken before under your presidency, Sir, let me first congratulate you on your assumption of the presidency and say that we are, of course, prepared to lend you every support.

(Mr. Armstrong, New Zealand)

I shall be brief. New Zealand shares the view of those who have suggested that we should make every effort to resolve this issue today. We believe that there are solid reasons, which have been advanced in this meeting, to do so. Others, particularly the distinguished Ambassador of Morocco, have indicated that the question is one to which the General Assembly has attached priority. Perhaps we could invite you to take further the proposal which was put forward by Pakistan, which seemed to us to be straightforward and direct, and to avoid some of the difficulties which have been raised in interventions made earlier this morning. Perhaps we might invite you to read out a proposal, either the Pakistan proposal or one akin to it, for a decision that delegations could be in a position to take here today.

The PRESIDENT: I thank the distinguished Ambassador of New Zealand, and before giving the floor to the next speakers on my list on this issue, I call on the distinguished Ambassador of Pakistan to repeat the proposal which he made.

Mr. AKRAM (Pakistan): Our proposal would read as follows: "The Conference on Disarmament decides to transmit immediately the report of its Ad Hoc Committee on a Nuclear Test Ban (CD/1425 and Corr.1) to the United Nations General Assembly". That would be all.

The PRESIDENT: So there is a proposal which has been made by the distinguished Ambassador of Pakistan. Would there be consensus on adopting this short and clear text now? The distinguished representative of Iran has the floor.

Mr. NASSERI (Islamic Republic of Iran): I am compelled to take the floor to respond to the very kind comments by Ambassador Kreid of Austria. He flattered me. They say flattery gets you nowhere, but it does. And I should say that in light of the discussions that have taken place today, I note that there is general support, at least expressed by some delegations, including delegations from my own group, to have a separate way of transmitting this report, aside from the annual report to the General Assembly. I certainly do not rule that out following this debate and discussion. The question remains as to how, precisely, we should do it and, of course, to present that precise formulation, at least as far as I am concerned, to my capital and then be able to come back with a reply. Now, I have a practical problem because what I am being asked is, precisely what lies ahead? I have been trying to collect some information on this basis, but I am not quite clear about it. That is, if we are going to the resumed session of the General Assembly, again, the problem here seems to be the problem of timing. It is a problem for us too. For instance, when are we going to the resumed session? What dates are being suggested? If there is going to be a signing ceremony at some point, what dates are being suggested for that purpose? These are things that could again be a matter for consideration, perhaps more politically, but also logistically. Therefore, I think some consultation is in order so that we can have some of these matters of procedure and further action in a clearer form amongst ourselves. We have not been able to agree on a text, but we should

(Mr. Nasseri, Islamic Republic of Iran)

not rule out that we could agree as to - or at least have an understanding as to - what further action is going to be pursued and followed at the level of the General Assembly and afterwards.

I really think that consultations would be very helpful. It would be very helpful for my own delegation, or at least further information on this will be extremely helpful. Nevertheless, the proposal as just read out by the distinguished Ambassador of Pakistan is one that we could certainly consider, and I would be quite willing to transmit that to my capital for quick consideration.

Now, while I have the floor, I think that, as some questions have been raised about the way we apply the rules of procedure - and those questions have been raised for the record - I think it is in order that we have some clarification on that. Because my impression is that we have not been invoking specific rules of procedure such as 43, 44 and 45 because we have been observing them anyway, since we have not been in a similar situation where some countries are asking for very urgent action that would circumvent those rules of procedure and, again, my recollection is that those rules have been observed, that is, the drafts have usually been prepared - the original draft - by the President with the assistance of the secretariat two weeks in advance or beyond. I believe a clarification on that for the record is perhaps something that is relevant and in order, as this will set a precedent for the future of our work.

The PRESIDENT: I thank the distinguished Ambassador of Iran for his statement. I think the situation now seems to be very clear. There is obviously no consensus on any decision to be taken today on the issue of further action concerning the Ad Hoc Committee. I think we can decide that we take no action on this today. So, my suggestion is to close the debate and say that further consultations may be required as there is a proposal on a text. And now I go back to the list of speakers. I have Morocco, Argentina, Pakistan and Romania. The Ambassador of Morocco has the floor.

Mr. BENJELLOUN-TOUIMI (Morocco) (translated from French): I just wanted to ask you to give us an opportunity to make one or two comments before summing up the discussion and proposing a decision. My proposal is as follows. I believe that the preference of the overwhelming majority would be to take a decision today, as you yourself stressed. There is no consensus on that and I respect the point of view of those delegations which do not agree. But, in a spirit of compromise, and also to enable us to fulfil our mission as we see it, perhaps I could propose that the consultations which you intend to conduct at the request of my brother from Iran and the Ambassador of India - that today you set the date of the next plenary, which would not be Thursday, but this afternoon or at the latest tomorrow, so that a decision can be taken. That would enable those who need instructions from their capitals to tell their capitals that the decision is going to be taken on such-and-such a day, on such-and-such a date. That way things would be very clear among us and we would be able to take decisions with the agreement of our capitals.

Mr. SANCHEZ ARNAU (Argentina) (translated from Spanish): Despite the nature of the debate in which we are engaged, allow me to express the satisfaction of the Argentine delegation at seeing you presiding over our discussions, Mr. President.

In the same spirit as the Moroccan delegation, we wish to take the floor to request that we take a decision on our next meeting and on the way we are going to conduct the consultations which seem necessary in order to clarify a number of what I would call secondary aspects of a virtually obvious decision that the Conference has to take.

We have been working for two years now on preparing a draft treaty. We believe we now have a text which reflects the best that could be obtained following so many efforts and delicate discussions. We believe that the Chairman of the Ad Hoc Committee, Ambassador Ramaker, has made the best possible effort to achieve a text reflecting what it is possible to agree on in the Conference at this time. And we believe that we are not in a position politically speaking to continue delaying the decision to transmit a report that we have already adopted to a General Assembly which has requested us to send it such a report. We have the impression that we cannot continue going round indefinitely in circles without taking a decision on the subject.

We have before us a draft which you submitted to us after consultations and after announcing that we were to adopt a decision on this subject today. My delegation, like so many others which have spoken today, came in a position to take a decision in this respect and we were willing to go along with the draft decision which you have presented. With a view to avoiding some objections, the representative of Pakistan has put before us another, simpler draft decision, and we are likewise prepared to go along with that. The delegation of Iran seemingly needs some more time so that it can get instructions from its capital and perhaps also be able to go along with the decision proposed by Pakistan today.

Consequently, Mr. President, like the Moroccan delegation, and in order to satisfy what we believe is a growing demand not merely among the majority of the members of the Conference but in the international community for us to transmit the report to the General Assembly as soon as possible, we would request that we schedule a further meeting of the plenary for, at the latest, tomorrow or Monday and that we give time in the interim for the delegations which do not yet have instructions to get them and for you and the secretariat to respond to a number of questions that have been raised which, we think, do not require a reply closely linked to the adoption of the decision that has to be taken here, namely to transmit as soon as possible a report that we have already adopted.

The PRESIDENT: I thank the distinguished Ambassador of Argentina. In order to advance, before giving the floor to the speakers on my list, I would suggest, and after consultation with the secretariat, that there is a possibility of having informal consultations with interested delegations this

(The President)

afternoon at 3 p.m. in room I. If consensus emerges then, we can have a plenary meeting tomorrow at 10 a.m. here in this room. If this proposal is acceptable, we can decide to have informal consultations this afternoon at 3 p.m. in room I. The Ambassador of Romania has the floor.

Mr. NEAGU (Romania): My words of congratulations are reserved for the next meeting, when we shall, I hope, have a better opportunity, and I do not want to delay the proceedings of this session.

Two days ago, under your presidency, we took a decision, and, as you recalled at the beginning of our meeting, we are supposed to decide today upon the course of action with respect to the report of the Ad Hoc Committee, and we were supposed today to have instructions from our capitals with respect to this decision. My delegation has received such instructions in due time.

In order to simplify even further the debate today, the delegation of Pakistan presented us with a very simple text which is to the point and which my delegation appreciates and is ready to adopt. I would also agree that we are not under rule 43 but have business as usual, and we have a proposal before us, and we have to take a decision on it. My understanding is that we still have resources here to have such a decision this morning.

And a final point, with respect to the business of the General Assembly of the United Nations, I do not think that it is our business to discuss the schedule of the General Assembly. It is the right of the membership of the United Nations to see to the schedule of the session of the General Assembly of the United Nations.

Sir Michael WESTON (United Kingdom of Great Britain and Northern Ireland): I wondered if I might ask you whether you intended to fix the date for the next plenary meeting before a decision is taken on whether to hold further consultations. It was my understanding from the advice we were given by the secretariat that a decision had to be taken on this matter this week at the very latest, preferably today, but I suppose possibly tomorrow, since otherwise, even if agreement were reached on sending a report, it could not be processed in time for it to be considered by the General Assembly, if the General Assembly wished to consider it, before the end of the fiftieth session. And so I think my delegation, at any rate, would find it difficult to agree to further consultations unless we had some assurance that there was a meeting scheduled within this time-scale. Having said that of course, I have no confidence that we would actually take a decision, since you told us on Tuesday we would take a decision today and we have not.

Mr. AKRAM (Pakistan): I believe that we have had an interesting discussion and that we are confident that, with a little further work, we could reach a consensus on this matter. I am grateful to both our colleagues from Iran and from India for the indications of a readiness to consider the proposal that we had put forward. I must add here to Ambassador Ghose that it is not always that we find Indian statements unattractive, but we appreciate the indications of flexibility. We hope that you will be able to hold consultations soon and my delegation, for one, not only for the weighty

(Mr. Akram, Pakistan)

reasons cited by Ambassador Weston, but for even more personal reasons, hopes that the decision could be taken today, if possible, but if not, we hope we will be able to reach a decision by tomorrow morning. So, I would suggest that we hold consultations as soon as possible in order to try and reach a consensus on this matter.

The PRESIDENT: I thank the distinguished Ambassador of Pakistan. I would like now to give the floor to the distinguished Ambassador of Belgium and then the Chair will rule on this matter in order not to prolong it.

Baron GUILLAUME (Belgium) (translated from French): Mr. President, like others, I will save my congratulations for another occasion. I would just like to refer to the proposal you made a few minutes ago, which seems to go towards meeting the wishes of certain delegations that want a little more time for additional consultations. You proposed holding a meeting today at 3 p.m. I think that is a very good idea. You said that if there were consensus at that meeting, we would meet in plenary afterwards to take note of that. I think that at this stage we also have to be consistent with what you said two days ago, namely that we would take the decision today. Instead of holding the plenary tomorrow, I would propose that we hold it at the end of the day today.

The PRESIDENT: After listening carefully to all that has been said and all the proposals which have been made here, I would like to conclude this debate by saying that it appears that further consultations are still required in order to reach agreement on the course of action to be taken with regard to the report of the Ad Hoc Committee on a Nuclear Test Ban, to enable the Conference to reach a decision at the next meeting on Friday, 23 August, at 10 a.m. in this room. Before that, we could have consultations in room I this afternoon at 3 p.m.

Iran has asked for the floor.

Mr. NASSERI (Islamic Republic of Iran): They say in the West "never on Sundays". In our part of the world, we say "never on Fridays". But, seriously, apparently a decision or a statement that you made at the last plenary, when you stated that at the next plenary we would take a decision on the course of action, has been interpreted as making a decision on a specific proposal which was not even presented to us in the proper form. You, Sir, as you have said, stated that the Conference would take a decision on the course of action. Now, that course of action could, we have realized today, be varied. On the basic principle that there would be a special, a separate information provided to the General Assembly, as I suggested, I have noted that there is support, including from members of my own group, the Group of 21. Now, I am prepared to come to the consultations, but please, I do not wish to be interpreted as coming back with instructions on Friday at a plenary meeting. I think I can say further that the intention is certainly not to prolong this and have a delayed decision on this. I believe that would serve no purpose at all, but we have to consider the practicalities of this.

(Mr. Nasseri, Islamic Republic of Iran)

Ambassador Weston has mentioned some of the things that he has been informed of through the secretariat, for instance, that two weeks are required for processing these papers and this report. That I cannot quite understand because this report exists, it has been adopted. I do not know how much further processing needs to be done that would require, really, two weeks from an able secretariat as the one that we have. In any sense, this is information that is not clear to us. I think this whole matter can be discussed during the consultations. There is good will, there is a genuine intention to move forward on this, but it will be difficult to make very firm commitments, and certainly my delegation is not in a position to do so for any specific timing at a plenary where there is a move to take a final decision. I cannot commit myself to that at this stage.

May I also renew my query, and to this end, I will repeat this question to the Secretary-General of the Conference. Again, it was stated on the record that it is not the way we do things to apply the rules of procedure that we have set out for our work. It has been on the record, so I would really appreciate clarification, and I request clarification from the Secretary-General on that. Have we been observing the rules of procedure, including rules 43, 44 and 45 - not invoking - have we been observing them, at least in general, or have we been always acting contrary to that?

Mr. LEDOGAR (United States of America): I, too, will defer my gratitude. Colleagues around this table will recall the efforts in the Ad Hoc Committee on a Nuclear Test Ban to pull together the report in question, including four very difficult hours spent late one evening drafting the final two sentences of that report - sentences which, in effect, simply say that we all agreed that we could not agree on the Ramaker text. My delegation made important concessions in the effort to achieve the resulting Committee report, in the belief that we were all working urgently to satisfy a deadline the international community had set and a deadline that the Conference on Disarmament had accepted. Now, this is a matter of good faith. We were not, I repeat, we were not working on a routine, year-end Ad Hoc Committee report and last Tuesday we did not adopt a routine, year-end Ad Hoc Committee report. In other words, if this report is killed today by unprecedented procedural manoeuvring, it is dead and with it the statements, the national statements contained therein. Rule 44 concerns draft reports. We have before us a final report. I would like to know before there is an attempt to conclude that we have no consensus whether or not there is a consensus that rule 44 applies, and whether or not it has been formally invoked, and once that is disposed of, I would like to hear, now, the proposition of Pakistan formally put before us by you. Time is of the essence, because we have accepted a deadline the international community has set. So to push this over to next week as we have just heard proposed, or vaguely into next week at some time, is just not acceptable. It is all over, and the Conference on Disarmament will bear the consequences, if we not only veto the substance of two and a half years' work, but also veto an expression that simply says "we couldn't agree".

The PRESIDENT: I thank the distinguished Ambassador of the United States. The question was asked whether any delegation is willing to formally invoke rule 44. Iran has the floor.

Mr. NASSERI (Islamic Republic of Iran): In accordance with the text that has been circulated, again, without any proper format, no date, no working paper number or otherwise, and not clear as to whose proposal this is, there has been a reference to rule 43. If rule 43 is invoked, it follows automatically that rules 44 and 45 that relate to the same issue would also be invoked. Nevertheless, we have noted that there have been some suggestions today, including that by the Ambassador of Pakistan or that by the Ambassador of Morocco, that rule 43 does not necessarily apply - we have to examine that - but that the proposed action does not necessarily invoke rule 43. And in that light, in the light of those proposals, it is likely that rules 44 and 45 would not have to be invoked either.

The PRESIDENT: So, I was requested to put before the Conference the proposal just made orally by the distinguished Ambassador of Pakistan, which, according to my notes, reads as follows:

> "The Conference on Disarmament decides to transmit immediately the report of its Ad Hoc Committee on a Nuclear Test Ban (CD/1425 and Corr.1) to the United Nations General Assembly."

That is the proposal which has been made by the distinguished Ambassador of Pakistan which I put before the Conference. Has everybody taken note of the text? I will repeat it:

> "The Conference on Disarmament decides to transmit immediately the report of its Ad Hoc Committee on a Nuclear Test Ban (CD/1425 and Corr.1) to the United Nations General Assembly."

The distinguished Ambassador of India has the floor.

Ms. GHOSE (India): We could, of course, take this up at the informal consultations, but what I had taken down - perhaps I was a little hasty in doing that - was that the proposal ended with two more words, "for information". I am not sure. Was that in the proposal, or maybe we could discuss this this afternoon?

Mr. BENJELLOUN-TOUIMI (Morocco) (translated from French): I am very sorry to be taking the floor again. I believe that an even simpler proposal is needed. Might you not schedule a plenary for this afternoon to take a decision on Pakistan's proposal? You schedule the plenary for 5 p.m. and call us together at 3 p.m. to clarify what can be clarified and for us to be able to inform our capitals that we shall be taking a decision at 5 p.m. on the matter and I think we can break off the debate on this proposal right now.

The PRESIDENT (translated from French): My thanks to the Ambassador of Morocco. I believe that this proposal will enable us to resolve the problem. So, we shall decide to resume the plenary meeting of the Conference on Disarmament at 5 p.m. in this same room and at 3 p.m. we can conduct informal consultations on the basis of the proposal by Pakistan that I have just put before you.

It was so decided.

Mr. NASSERI (Islamic Republic of Iran): You have just taken a decision to resume the session this afternoon following the informal consultations. I understand that the purpose of this would be perhaps to inform the plenary of the results of the informal consultations if there are any or, otherwise, we will probably convene another meeting. However, if we are going to take a decision, I would then appreciate it if you would find a way of communicating the results of the consultations to Tehran, on a holiday, and receiving a reply before 5 o'clock as well. I do not think I have that possibility, Sir.

The PRESIDENT: I thank the distinguished Ambassador of Iran. So now we can go to the list of speakers for today's meeting, and I have on my list representatives of the Russian Federation, the Syrian Arab Republic, China, Australia, Ireland and Germany. I call now on the distinguished Ambassador of the Russian Federation to deliver his statement.

Mr. BERDENNIKOV (Russian Federation) (translated from Russian): First of all, Sir, allow me to convey to you the congratulations of the Russian delegation on your accession to the post of President of the Conference on Disarmament and to wish you luck and every success in your activities at such a crucial time for our forum. You can count on our support and cooperation.

The negotiations on the text of a CTBT, which had been going on for quite some time, are now over. We have a draft treaty which, although it was tabled on behalf of the Chairman of the Ad Hoc Committee on an NTB, is the result of the collective efforts of the participants in the negotiations.

The fact that this is a compromise text and that it does not reflect the position of any one delegation or group of delegations is shown by, in particular, the provision in the Ad Hoc Committee's report to the effect that none of the delegations of the countries that support this draft was able to declare itself fully satisfied with its contents. This is normal, this is the essence of compromise: nobody is fully satisfied, but the overwhelming majority is able not to object to the text. We regret that not all members of the Conference on Disarmament were able to take such a reasonable compromise stand. That is all the more regrettable as the treaty has, we are profoundly convinced, significant objective positive features that any unbiased observer could hardly deny.

First, this treaty frees humanity for ever from nuclear explosions in any environment. Second, the treaty will make an effective contribution to the strengthening of the nuclear non-proliferation regime. It represents the implementation by the parties to the NPT of the decision by the Conference for the Review and Extension of the Treaty on the Non-Proliferation of Nuclear Weapons, which, as we know, called for the completion of negotiations on a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty no later than 1996. This treaty will, we are certain, make the spread of nuclear weapons over the planet still more difficult. Third, the comprehensive and thresholdless ban on all nuclear explosions will undoubtedly serve as an effective brake on the qualitative improvement of nuclear charges, and will prevent the appearance in arsenals of new types of nuclear charges as well as nuclear weapons based on new physical principles.

(Mr. Berdennikov, Russian Federation)

Fourth, the CTBT will become a new point of departure, an effective stimulus to the continuation of the negotiating process aimed at the further reduction of nuclear armaments to the point of ultimate complete elimination. We are certain that the CTBT is a necessary stage on this road, one without which we cannot hope to achieve even more far-reaching agreements. If anyone believes that it is possible to combine movement towards the ultimate goal of the elimination of nuclear weapons with their appearance in more and more States, they are, in our view, wrong.

In view of the foregoing, the Russian delegation regrets that the Conference on Disarmament was not able to approve the treaty text tabled by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker, and contained in document CD/NTB/WP.330/Rev.2, and to forward it to the United Nations General Assembly. I wish to make clear that the delegation of the Russian Federation supports this treaty text as it is. I also wish to make clear that the Russian delegation has carefully considered the continuing difficulties which some other delegations have with this treaty text, but has reached the firm conclusion that further negotiations or attempts to amend the text will not bring us closer to a consensus. On the contrary, the Russian delegation believes that the text contained in document CD/NTB/WP.330/Rev.2 offers the only possibility of achieving a comprehensive nuclear-test-ban treaty at this time. We call on those delegations which have not yet done so to join us in support of this text.

The PRESIDENT: I thank the distinguished Ambassador of the Russian Federation for his statement and kind words addressed to the Chair, and I now give the floor to the distinguished representative of the Syrian Arab Republic.

Mr. KHOURY (Syrian Arab Republic) (translated from Arabic): Mr. President, I would first like to extend our congratulations to you and say how pleased we are to see you presiding over this meeting.

Although the draft comprehensive nuclear-test-ban treaty presented by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban in document CD/NTB/WP.330/Rev.2 has not secured agreement and is not contained in the report by the Chairman of the Ad Hoc Committee to the Conference, our delegation would like to reaffirm our position with respect to annex 1 attached to article II, paragraph 28 of the draft treaty. This concerns geographical distribution among States. A number of delegations have expressed opposition to this distribution. We consider that this distribution or breakdown is contrary to all the customs and practices applied within the United Nations. It was imposed on the Ad Hoc Committee without consultation with, or approval by, the States concerned in the Middle East and South Asia region. It does not contain the possibility for cooperation, coordination, consultation or deliberations among those States either. We would mention that Israel continues to develop its military arsenal, in particular a nuclear arsenal, thus threatening security in the region, and refuses to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons or to submit its nuclear facilities to International Atomic Energy Agency supervision. Similarly, Israel does not respect international law or legality and instead impedes the

(Mr. Khoury, Syrian Arab Republic)

establishment of a just and lasting peace in the Middle East. For all these reasons our delegation is opposed to Israel's inclusion in the Middle East and South Asia group. We will reaffirm this position if the draft treaty is submitted for consideration in any international forum. We request that our statement be included in full in the record of this meeting and in any report transmitted by the Conference on Disarmament to the General Assembly.

The PRESIDENT: I thank the distinguished representative of the Syrian Arab Republic for his statement and the kind words he addressed to the Chair. I give now the floor to the distinguished representative of China, Ambassador Sha.

Mr. SHA (China) (translated from Chinese): Sir, it gives the Chinese delegation great pleasure to see you presiding over the CD at such an unusual time. We are confident that your experience and diplomatic skill will not fail to help you live up to the expectations of the member States and that work in the CD will proceed smoothly under your presidency. Here I would also like to thank your distinguished predecessor, Ambassador Urrutia of Peru, and express our deep appreciation for the work which he accomplished during the final stage of the negotiations on the CTBT here in the CD.

At a moment like this I would like to pay a special tribute to the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Jaap Ramaker of the Netherlands. As the Chairman of the Ad Hoc Committee, Mr. Ramaker contributed in a significant way to the progress of the negotiations on the CTBT. Besides expressing our heartfelt thanks to him, we would also like to convey to Mr. Ramaker our highest esteem for the patience, the sense of commitment, the zeal and the consummate diplomatic skill which he demonstrated in presiding over the negotiations. We also appreciated deeply the excellent cooperation which Mr. Ramaker extended to the Chinese delegation throughout the negotiations. The Chinese delegation would like to express the conviction that history will not forget the contributions made by Mr. Ramaker and the Netherlands delegation to the CTBT.

Here, I would also like to express my thanks to the other officials, among them the Chairman of Working Group 1, Ambassador Berdennikov of the Russian Federation; the Chairman of Working Group 2, Ambassador Zahran of Egypt; and the other Friends of the Chair and moderators. I thank each and every one of them for their important contributions to the treaty. The seasoned diplomatic skill which they brought to bear in presiding over their meetings during the session benefited all of us in no small measure.

I would also like to express my thanks to you, Mr. President, to the former Ambassador of Mexico, Mr. Marín Bosch, Ambassador Hoffmann of Germany, Ambassador Norberg of Sweden, and all those who have made important contributions to the negotiation of the treaty since 1994. It was you who laid a sound basis for the final stage of the work on the treaty. Since Mr. Marín Bosch is no longer with us, we would like to convey to him through the Mexican delegation our thanks and appreciation. Finally, I would also like to thank the Personal Representative of the Secretary-General and Secretary-General of the CD, Mr. Petrovsky, the Deputy Secretary-General,

(Mr. Sha, China)

Mr. Bensmail, and the other officers of the secretariat, the interpreters and the translators. Thanks to your hard work and untiring support, the Conference proceeded in a smooth and orderly manner.

China has always held that a comprehensive ban on nuclear testing is a significant step towards the complete prohibition and thorough destruction of nuclear weapons. We believe firmly that the conclusion of the CTBT will contribute to nuclear disarmament and nuclear non-proliferation. We certainly understand that the CTBT will have a direct impact on the security of all States, especially that of China. However, for the purpose of facilitating the realization of the above-mentioned objectives, the Chinese delegation, under the instructions of its Government, participated in the negotiations in a positive, serious and responsible manner, and showed flexibility and compromise on almost all the key provisions of this treaty text.

Although the draft treaty text contained in CD/NTB/WP.330/Rev.2 does not totally satisfy us and does not cover all the concerns of many developing countries, including those of China, the Chinese delegation believes that the current treaty text represents the achievable result of negotiations in the past two and a half years, and that by and large it reflects objectively the state of negotiations and is balanced in general.

The NTB Ad Hoc Committee Chairman, Ambassador Jaap Ramaker of the Netherlands, concluded in his report to the Ad Hoc Committee that under the present circumstances substantive work on the draft treaty had resulted in the best attainable outcome. Having considered all the related aspects, the Chinese delegation is prepared to accept his conclusion.

We understand that some delegations still have difficulties with this treaty text. Their difficulties should have been resolved through continued negotiations or consultations. However, in the light of the time-line set for us by United Nations General Assembly resolution 50/65, adopted without a vote on 12 December 1995, and proceeding from the reality we all face, it is the belief of my delegation that continued negotiation on or amendment of this treaty text does not seem to be very practical. Should negotiations be reopened, the intricate and fragile balance of the current treaty provisions might be destroyed. In such a case, there would be little chance to restore the balance and to reach a consensus within a short period of time. Worse still, should the situation be mishandled or affected by certain developments in the international situation, we might even be pushed further away from the prospect of a CTBT which has been long cherished by the international community.

Proceeding from these considerations, my delegation, though not totally satisfied with the treaty text, supports this text as it is and regrets that the CD was not able to approve this treaty text and forward it to the United Nations General Assembly for endorsement.

(Mr. Sha, China)

My delegation has all along hoped that a fair and reasonable CTBT would be ready and open for signature before the end of this year. We are convinced that all the efforts of the CD and the international community for the conclusion of a CTBT will not have been in vain.

Lastly, I would like on behalf of the Chinese delegation to thank all the different parties for their cooperation with the Chinese delegation during the negotiations.

The PRESIDENT: I thank the distinguished Ambassador of China for his statement and his kind words to the Chair. I now call on Ambassador Starr, the distinguished representative of Australia.

Mr. STARR (Australia): Earlier this morning, I sought to accelerate the progress of this Conference's report, the report of the Ad Hoc Committee to the international community. I did so, as I said, because I believe the international community deserved to have before it, urgently, the outcome of the Ad Hoc Committee's work, which was non-consensus. What we must not overlook, what no delegation here can overlook, in what was a most interesting procedural debate on rules 43, 44, 45 and whatever else, what we cannot overlook is the fact that that report did not contain the text of a treaty. It was a report shorn of that text. It was a report that registered non-consensus, despite our belief that the overwhelming majority of delegations in the Ad Hoc Committee were prepared to accept that text despite perceptions of imperfections.

My delegation is pleased that you are going to continue consultations on the report of the Ad Hoc Committee which was endorsed here and which is now a question of a very simple sentence of transmission. You may be able to reach agreement this afternoon, or holidays may intervene. You may be able to reach a decision tomorrow or Monday, but the weekend may intervene. But no matter how long and how successful your efforts, this Conference and the Ad Hoc Committee which has been convened year after year will not be able to transmit the text of the treaty which has been developed over years and which carries the expectations of decades.

It was with the deepest regret that my delegation was forced to recognize the fact - and it is a fact - that the achievement of the Ad Hoc Committee, that is the draft treaty text, will not be formally advanced through this Conference to the wider, waiting, community. Although warned of the possibility of a veto by one member State of the Conference, we continued to hope that through accommodation and reassurance, that member would have found itself able to make the choice to allow the treaty text to move unimpeded through the Conference on Disarmament and on to the General Assembly, even while retaining reservations about the substance of the text. Many of us have expressed our views on the entry-into-force provision which is the cause of this veto. Whatever its limitations, it is simply not accurate to suggest that it is illegal or coercive. It implies no international legal obligation on any State to sign or ratify the treaty. The entry-into-force provision is

(Mr. Starr, Australia)

merely mechanical, setting out the preconditions of the treaty's entry into operation. In each case, the timing of signature will inevitably be judged by the State in question in accordance with its national requirements.

To focus, and continue focusing, on the heart of the problem and the heart of our work and the heart of our achievement, throughout almost three years of negotiation, all delegations have worked hard to secure solutions that represented a balance between the diverse views of participants in the negotiations. In our view, the treaty meets the requirements of the mandate. Any extension to the reach of the treaty's aspirations, or its scope, were not achievable negotiating objectives at this point in history. In the view of Australia and many others, the text of the treaty is as reasonable a compromise as was possible for us to achieve. Extra time spent on negotiations now would threaten its very existence. Any attempt to reopen the draft brings with it the certainty of its unravelling - and a slow, dispiriting drain of the political effort and support that has fuelled these negotiations.

What we have after 40 years of intention and expectation and 2 years or more of intense negotiation is a valuable instrument. It is composed of serious compromises and commitments. Further, like the Chemical Weapons Convention, this treaty is evidence of substantial achievement by the Conference on Disarmament - especially important after the underachievement foisted upon this Conference and its predecessors during the cold war. This treaty will impose, for the first time, constraints on the qualitative improvement of nuclear weapons and bring the nuclear arms race to a definitive end. It will make a key contribution to the programme of action on non-proliferation and disarmament agreed at the NPT Review and Extension Conference. It is a crucial step in the process towards complete nuclear disarmament. A concluded treaty will make it possible to tackle authoritatively the next important step towards this goal.

The Ad Hoc Committee's work on this treaty is finished. Ambassador Marín Bosch of Mexico, its most distinguished first Chairman, hoped to complete a treaty text of this scope and along these lines by 1994. Australia joined with many other delegations in working for, and hoping for, completion of the negotiations in 1995 under your most distinguished leadership. In the event, the negotiations concluded under the chairmanship of your successor, Ambassador Jaap Ramaker, and I pay great respect to his tireless, dedicated efforts. In fact, the tireless and dedicated efforts of all of the Chairmen of the Ad Hoc Committee have earned you honoured places in the history of this achievement.

We have a workable treaty. All of the debates about procedure, all of the debates about whether or not we have to sign it or not, do not obscure the fact that we have with us a workable treaty, and we have a commitment by the five nuclear-weapon States to endorse and sign it. I ask you to consider that achievement, an achievement that we have sought and yearned for for years. We have worked for this situation for years and years and years. We cannot give up. The opportunity is here and now. It will not last. We must grasp it or lose it, and with it the whole critical step forward towards nuclear

(Mr. Starr, Australia)

disarmament. We should not, indeed must not avoid this responsibility. It is in the interests of this Conference that, given this paralysis, its work be taken to the broader international community, recognized and endorsed. Accordingly, Australia will be looking to work with friends of the CTBT to fulfil the goal of the fiftieth General Assembly of a completed text, endorsed and ready for signature by the fifty-first Assembly this year.

The PRESIDENT: I thank the distinguished Ambassador of Australia for his statement and his kind words to the Chair and to me personally. I now give the floor to the distinguished Ambassador of Ireland, Madame Anderson.

Mrs. ANDERSON (Ireland): Mr. President, let me first offer my warm congratulations on your assumption of office and also my heartfelt good wishes to you at this difficult time.

Speaking in my national capacity and as representative of the Presidency in Office of the Council of the European Union, I would like to inform the Conference of a declaration by the Presidency, on behalf of the Union, which was issued yesterday in Dublin and Brussels. The EFTA (European Free Trade Association) countries members of the EEA (European Economic Agreement), the Central and Eastern European countries associated with the European Union (EU), and the associated countries, Cyprus and Malta, have aligned themselves with this declaration. The text of the declaration, which is quite brief, is as follows:

> "In its statement of 7 August, the European Union urged all countries participating in the negotiation of a comprehensive test-ban treaty in Geneva to accept and adopt the draft treaty text presented on 28 June by the Chairman of the Ad Hoc Committee of the Conference on Disarmament. The draft treaty text represents the outcome of two and a half years of intensive negotiations and embodies a large number of delicate and balanced compromises. In the EU view, it offers an historic opportunity of having a treaty which bans all nuclear-test explosions for all time. Proceedings in Geneva must reflect the sense of urgency felt by the international community. The EU believes that further urgent efforts must now be made to ensure that the draft text is adopted and opened for signature within the agreed timetable."

Mr. HOFFMANN (Germany): As it is the first time that I take the floor under your presidency, let me congratulate you on the assumption of this demanding responsibility. I am confident, Mr. President, that you will guide us successfully through this important phase in our deliberations.

On 27 July 1996, the Minister for Foreign Affairs of the Federal Republic of Germany, Dr. Klaus Kinkel, issued a statement on the draft comprehensive test-ban treaty and the Minister stated:

> "The early conclusion of a comprehensive test-ban treaty this year is one of the foremost objectives of German security, arms control and non-proliferation policy. It is our aim to submit to the General Assembly of the United Nations as of fall this year a negotiated

(Mr. Hoffmann, Germany)

> final version of a universal CTBT with unlimited duration. The treaty shall ban all nuclear explosions without any exception. The present draft treaty is a result of intensive negotiations that have been in progress since the beginning of 1994. It represents a balanced compromise achieved in the Geneva Conference on Disarmament."

Germany regrets that the Ad Hoc Committee on a Nuclear Test Ban did not find consensus on the draft nuclear-test-ban treaty. Germany supports the Ramaker draft treaty and is convinced that it should be forwarded to the United Nations General Assembly. Germany appeals to all States to work towards the endorsement of the draft comprehensive test-ban treaty by the United Nations General Assembly and the early opening for signature of the treaty as called for by last year's United Nations CTBT resolution.

Although the work of the Ad Hoc Committee on a Nuclear Test Ban is not yet concluded, I would like to take this opportunity to thank Ambassador Ramaker, the Chairman of this Ad Hoc Committee, for his untiring efforts to bring about a draft treaty most of us want to sign at the outset of the fifty-first United Nations General Assembly.

The PRESIDENT: I thank the distinguished Ambassador of Germany for his statement and his kind words to the Chair. I now give the floor to Ambassador Neagu, the distinguished representative of Romania.

Mr. NEAGU (Romania): Let me first of all congratulate you, the distinguished representative of Poland, a country with which Romania enjoys a warm tradition of friendly relations, on your assumption of the presidency of the Conference on Disarmament. I am confident that your outstanding diplomatic skills and experience will be of the greatest help in discharging the special responsibility now entrusted to the President of the last part of the 1996 session of the Conference on Disarmament, who is asked to report to the General Assembly of the United Nations on the results of our work so far. I would also like to express my appreciation for the diplomatic skills and perseverance of your predecessor, Ambassador Urrutia of Peru, who brought us nearer to the fulfilment of the objectives set forth for this session of the Conference on Disarmament.

My delegation joins those delegations which have expressed their regret at the failure to reach the necessary consensus on a decision to transmit the text of the comprehensive test-ban treaty to the CD or to the United Nations General Assembly, in view of the commitments undertaken at the last session of the General Assembly.

Like every negotiating process and, in particular, when States are dealing with complex issues inextricably related to their security, the CTBT negotiations have proved to be very difficult, asking for the highest degree of responsibility from each and every participating delegation. The considered opinion of the Romanian delegation, as I have already had the opportunity to state, is that the compromise solutions put forward by Ambassador Ramaker of the Netherlands, the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, on various aspects under discussion are fair, reflecting

(Mr. Neagu, Romania)

the utmost consideration for all the positions expressed during the negotiations. Now it is imperatively necessary that every delegation finds their required resources of good will to appreciate the concessions made by other delegations and, above all, the prevailing feature of the goal we have all agreed upon, that is, to get rid of nuclear explosions.

I would like to congratulate those delegations which have been participating directly in the elaboration of the final compromise text on the number of votes required for the approval of an on-site inspection. We can understand those delegations which still have specific opinions about one or another compromise solution, because our own delegation has such specific opinions. But we also share the view that, in order to have an agreement, it is necessary for all of us to show a spirit of compromise. As was stressed here on various occasions, the present text is the maximum we could achieve and, deeply convinced of that, my delegation, together with the other 38 delegations, insisted that the treaty be transmitted in due form to the United Nations General Assembly so that it could be opened for signature at the beginning of the fifty-first session of the United Nations General Assembly.

Now, if this is no longer possible, that is, to forward the text of the draft treaty to the General Assembly of the United Nations on behalf of the Conference on Disarmament, it is up to the international community to see that this product of ours is not lost. Nevertheless we hope that the General Assembly will be able to adopt and open for signature at the beginning of its next session in September the draft treaty that we have elaborated at this Conference.

The PRESIDENT: I thank the distinguished Ambassador of Romania for his statement and his kind words to the Chair. The next speaker on my list is the distinguished representative of Sweden, Mr. Ekwall.

Mr. EKWALL (Sweden): First of all, Mr. President, allow me to warmly congratulate you on the assumption of the presidency of the Conference at this crucial juncture of our work. I can assure you of my delegation's full support in your duties.

On 28 June, the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Jaap Ramaker of the Netherlands, presented the draft text of a comprehensive nuclear-test-ban treaty. Sweden was among the very first countries to give this proposal its full support. On the day it was presented, the Swedish Mister for Foreign Affairs, Mrs. Lena Hjelm-Wallén, made a statement in which she urged all States to accept the Chairman's text. Since then, the Chairman has carried out intensive consultations with delegations with a view to reaching final agreement on the draft treaty. As a result, the Chairman proposed certain modifications. Sweden expressed her support also for these.

The proposed treaty reflects the outcome of a negotiating process in which many different views and concerns have been expressed. It might not reflect all our preferred national positions. But it is, indeed, an

(Mr. Ekwall, Sweden)

acceptable text and, as Ambassador Ramaker stated in the conclusions from his consultations, "the best attainable outcome". It deserves the support of all of us. The Swedish delegation very much regrets that the Conference has not been able to reach consensus either on the treaty text or on its transmission to the United Nations General Assembly. Sweden is strongly committed to the realization of the CTBT and will continue her efforts in order to achieve this objective. We express our strong hope that the treaty will be opened for signature very soon and that it will receive the widest support. The international community must seize this historic opportunity to achieve this important step towards a nuclear-weapon-free world.

The PRESIDENT: I thank the distinguished representative of Sweden. I have just been informed that we can go on with this session until 1.15 p.m. and I have still five speakers on my list. I now give the floor to the distinguished representative of the United Kingdom, Sir Michael Weston.

Sir Michael WESTON (United Kingdom of Great Britain and Northern Ireland): Mr. President, finally, let me congratulate you formally and warmly on your assumption of the presidency of the Conference. My delegation looks forward to working with you.

On 26 July, my Prime Minister put on record the British Government's firm support for the swift agreement of a comprehensive test-ban treaty, and the belief that the text tabled on 28 June by the NTB Ad Hoc Committee Chairman, Ambassador Ramaker, offered the best prospect for this. Mr. Major urged all those involved in the negotiations to give Ambassador Ramaker's text their full support when the Conference on Disarmament resumed on 29 July.

The United Kingdom regrets that the Conference on Disarmament was not able to approve the treaty text tabled by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker, and contained in CD/NTB/WP.330/Rev.2, and to forward it to the United Nations General Assembly. I wish to make clear that the United Kingdom supports this treaty text as it is. I also wish to make clear that the United Kingdom has carefully considered the continuing difficulties which some others have with the treaty text, but has reached the firm conclusion that further negotiations or attempts to amend the text will not bring us closer to a consensus. On the contrary, the United Kingdom believes that the text in CD/NTB/WP.330/Rev.2 offers the only possibility of achieving a comprehensive nuclear-test-ban treaty at this time. We call on all those delegations which have not yet done so to join with us in support of this text.

The PRESIDENT: I thank the distinguished Ambassador of the United Kingdom for his statement and the kind words he addressed to the Chair. The next speaker on my list is the distinguished representative of Israel.

Mr. LAMDAN (Israel): It is a pleasure for us to see you, Sir, in the Chair at this critical juncture of the CD's work, your diplomatic skills having been amply demonstrated last year as Chairman of the Ad Hoc Committee on an NTB. We should also congratulate your predecessor, Ambassador Urrutia, on his stewardship of the CD last month.

(Mr. Lamdan, Israel)

The delegation of Israel, like the majority of the members of the CD, supports the draft treaty text in CD/NTB/WP.330/Rev.2. Israel considers that the treaty text should have been approved here by the Conference on Disarmament and transmitted to the United Nations General Assembly for its adoption. We hold our position despite the imperfections of the text, which does not adequately address some of our main concerns, especially as regards the conduct of on-site inspections. We hold our position because we see in the text a major step forward and the best attainable outcome after two and a half years of serious negotiations, in which we have taken an active part. We would have wished, therefore, that the CD could have rallied around the text in a spirit of compromise as we urged in the Ad Hoc Committee on 29 July 1996. We trust that some way will be found to advance it for adoption as is. I say "as is" because, in our considered view, any reopening of this text will not lead anywhere and will, in all likelihood, be detrimental.

In this context, and in the light of statements made this morning and, indeed, on other occasions, I am bound to reiterate the cardinal importance that Israel attaches to the provisions concerning the composition of the Executive Council as spelled out in the treaty text. These provisions constitute one of the main considerations enabling Israel to support the treaty. Israel will oppose any future attempt to render ineffective the practical mechanism which ensures the equitable status of all States parties in the future CTBT organization, including changes to the list of States. Such a change will oblige Israel to reconsider its position towards the treaty. Hence, Israel urges all concerned to support and preserve the text in its present form and to try to bring our collective efforts to a tangible and meaningful conclusion.

Before concluding, let me express a word of appreciation to the Chairman of the Ad Hoc Committee. Over the last several months, Ambassador Ramaker has conducted himself with extraordinary skill, sagacity and good humour. We are indeed fortunate to have had his hand at the helm because without his perseverance it is doubtful if we would have ever progressed as far as in fact we have. It is now up to all of us to go the last mile, together, determined and undiverted.

The PRESIDENT: I thank the distinguished Ambassador for his statement and his kind words. I now give the floor to the distinguished representative of the United States of America, Ambassador Ledogar.

Mr. LEDOGAR (United States of America): I am pleased to see you in the Chair, Mr. President, and offer you the full support of my delegation.

I have asked for the floor today, under instructions, to offer the views of my Government on the comprehensive nuclear-test-ban treaty. The United States regrets that the Conference on Disarmament was not able to approve the treaty text tabled by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker, and contained in CD/NTB/WP.330/Rev.2, and to forward it to the United Nations General Assembly. I wish to make clear that the United States supports this treaty text as it is. I also wish to make clear that we have carefully considered the continuing difficulties

(Mr. Ledogar, United States)

which some others have with the treaty text but have reached the firm conclusion that further negotiations or attempts to amend the text will not bring us closer to a consensus. On the contrary, the United States believes that the text in CD/NTB/WP.330/Rev.2 offers the only possibility of achieving a comprehensive nuclear-test-ban treaty at this time. We call on those delegations which have not yet done so to join with us in support of this text.

The PRESIDENT: I thank the distinguished Ambassador of the United States for his statement and his kind words to the Chair.

(continued in French)

The next speaker on my list is the distinguished representative of France, Ambassador Bourgois.

Mrs. BOURGOIS (France) (translated from French): Mr. President, allow me first of all to congratulate you on my own behalf and in the name of the friendship between our countries and between us on your assumption of the post of President of our institution.

Like many others, France regrets that the Conference on Disarmament was not able to approve the treaty text tabled by Ambassador Ramaker and contained in document WP.330/Rev.2. It regrets that the Conference was unable to forward the text to the United Nations General Assembly. I wish to make clear that my country supports this treaty text as it is. I also wish to make clear that France has considered very carefully the continuing difficulties which some delegations have with the treaty text, but has reached the clear and firm conclusion that further negotiations or attempts to amend the text will not bring us closer to a consensus - quite the contrary. My country believes that the text to be found in the document I have mentioned offers the only possibility of achieving a comprehensive nuclear-test-ban treaty at this time. France calls on all delegations which have not yet done so to support this text.

The PRESIDENT (translated from French): I thank Ambassador Bourgois for her statement and for her kind words to the Chair.

(continued in English)

I now give the floor to the distinguished representative of Japan, Ambassador Kurokochi.

Mrs. KUROKOCHI (Japan): Mr. President, may I begin by congratulating you on the assumption of the presidency of the CD at this crucial period? I assure you of my delegation's fullest cooperation in the advancement of the work of the CD under your able leadership. Furthermore, I would like to express my gratitude to your predecessor, Ambassador Urrutia, for the skilled and competent manner in which he guided the deliberations of this body.

(Mrs. Kurokochi, Japan)

I would also like to express my deep appreciation to the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker, and his delegation, who dedicated themselves to the goal of reaching an agreement on a CTBT text.

It is extremely regrettable that we could not reach a consensus on this CTBT text, or on transmitting the text to the United Nations General Assembly, after two and a half years of intensive, sincere and devoted negotiations. It is all the more disappointing that, although almost all delegations could have gone along with the draft treaty text proposed by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, a few delegations could not come to the same conclusion.

I have already stated several times how significant this treaty is for nuclear disarmament and non-proliferation, and thus for international peace and security, and also how much the international community is waiting for this treaty to come into existence. There has been tremendous expectation for the CD, as the sole multilateral negotiating body on disarmament, to produce a positive result in the CTBT negotiations. At this stage, however, I would like to make only one point: namely, a CTBT is too important for the international community to give up on if we are unable to reach a consensus in Geneva. We must do whatever is possible so that the CTBT becomes a reality.

I sincerely hope that as many countries as possible will unite their efforts to promote the draft treaty text in some way so that the CTBT will be open for signature this fall as it was envisaged in the United Nations General Assembly resolution last year. Japan has always regarded the nuclear test ban as one of the highest priorities, and is determined to do everything in its power to achieve this long-desired goal.

Japan strongly urges India, and others who have expressed their reservations about the text, to reconsider their positions in view of the long-term good that the CTBT could bring. We hope that they will join our efforts so that this tremendously sought-after treaty can come into being.

The PRESIDENT: I thank the distinguished Ambassador of Japan for her statement and her kind words to the Chair. The last speaker on my list is the distinguished representative of Canada, Ambassador Moher.

Mr. MOHER (Canada): I would like to congratulate you, Sir, on assuming the presidency. Your skills and experience will be essential during this rather sensitive period of the Conference's work. The credibility and integrity of the Conference must be preserved and enhanced, and we consider you to be exceptionally well qualified to promote that end. You have passed two tests this week already, and we are sure that you will continue to do so.

Canada's long-standing support for an effective CTBT, as part of a broader nuclear disarmament and nuclear non-proliferation agenda, is well established. For that reason, we fully endorsed United Nations

(Mr. Moher, Canada)

General Assembly resolution 50/65 of the fiftieth session and the call therein that the CD conclude such a treaty in order to enable its signature by the outset of the fifty-first session of the General Assembly.

On 29 July this year, in the CD's Ad Hoc Committee, we registered our firm decision to accept the Chairman's text as is, despite reservations, as the best achievable text of such a treaty at this time, and we expressed the desire to move forward to signature of that text this September. That decision on our part has been formally recorded in the Ad Hoc Committee's report. While we deeply regret that we are not able to proceed on the basis of a full consensus in this Conference, we are greatly encouraged by the significant number of States that have come to a supportive conclusion concerning the draft treaty text in CD/NTB/WP.330/Rev.2.

Four decades of aspirations and more than two years of intensive negotiations cannot, and must not, be allowed to end in failure now. We thus cannot let this historic opportunity to move forward pass us by. Canada will continue to do its utmost and to cooperate to the fullest extent to bring about the signing of the CTBT this September according to our original schedule. We hope the vast majority of the members of the Conference and of the larger international community will also take such a position.

In conclusion, I wish to quote the recent statement of Canada's Foreign Minister on this topic:

> "Canada has a long-standing commitment to nuclear disarmament. Further progress on this issue starts with the CTBT, and we will continue to devote every effort to see it through to a successful conclusion."

Before yielding the floor, I would like yet again to express Canada's deepest appreciation for the efforts of the Ad Hoc Committee Chairman, Ambassador Ramaker, as well of his two committee co-chairmen, Ambassadors Zahran and Berdennikov, and of all other delegations who have contributed so significantly to the significant achievement that we do have before us.

The PRESIDENT: I thank Ambassador Moher for his statement and for his kind words to the Chair. Before suspending this meeting, I would like to draw the attention of delegations to document CD/WP.477, which has been circulated in this room, and which contains the proposal by Pakistan; it will be the subject of our consultations starting at 3 p.m. in room I, and hopefully will be the basis for a decision at the resumed meeting of the Conference. The meeting stands suspended until 5 p.m. in this room.

The meeting was suspended at 1.15 p.m. and resumed at 5.15 p.m.

The PRESIDENT: The 747th plenary meeting of the Conference on Disarmament is resumed.

As agreed this morning, I held open-ended informal consultations with interested delegations on the proposal made by the representative of Pakistan

(The President)

as contained in document CD/WP.477. These consultations revealed that there is no consensus on this proposal to transmit immediately the report of the Ad Hoc Committee on a Nuclear Test Ban (CD/1425 and Corr.1) to the United Nations General Assembly. I therefore consider that this matter is closed.

Before turning to our remaining business for today, I understand that some delegations may wish to take the floor at this stage. The distinguished Ambassador of Egypt has the floor.

Mr. ZAHRAN (Egypt) (translated from Arabic): I believe, Sir, that what you have just said about the conclusion of consultations on the draft decision put forward by the distinguished Ambassador of Pakistan, Ambassador Munir Akram, means that this matter is closed. The delegation of Egypt has twice raised the possibility of another, parallel path in this morning's session. We said that there is the possibility to transmit the report of the Ad Hoc Committee on a Nuclear Test Ban, which was adopted on 20 August, to the General Assembly accompanied by a letter that you would send yourself, in your capacity as President of the Conference on Disarmament, to the President of the fiftieth session of the General Assembly. I do not think that consultations were held concerning this possibility. Perhaps there was no consensus on the transmittal of the report of the Ad Hoc Committee in accordance with the draft decision submitted by the Ambassador of Pakistan. However, I believe that we could also consider the possibility of transmitting the report to the President of the General Assembly through you, Sir, and accompanied by a letter from you. I deeply regret the fact that some Members in the United Nations did not participate in the negotiations that were held in the Conference on Disarmament on the preparation of the CTBT and would not be aware of the background of the issue should the General Assembly be called upon to hold a resumed fiftieth session. It is, therefore, my opinion that those other States Members of the United Nations are entitled to know what has taken place during the negotiations and what are the positive or negative aspects that were reflected in the draft text. When we consider the draft treaty, we should view it as an integral whole rather than as separate parts. Therefore, Sir, I suggest that you should consider the possibility of the Conference on Disarmament approving the transmittal to the General Assembly of the report of the Ad Hoc Committee that was adopted on 20 August, accompanied by a letter from you addressed to the President of the General Assembly.

Sir Michael WESTON (United Kingdom of Great Britain and Northern Ireland): I would just recall that the proposal which has just been made again, formally, by the distinguished Ambassador of Egypt was one which I made yesterday in the course of the informal Presidential consultations when I said that, although the Western Group would prefer there to be a report, we would nevertheless be prepared to accept the procedure which has just been described by the distinguished Ambassador of Egypt, and therefore I would like to add the support of the Western Group for that proposal.

Ms. GHOSE (India): I thought we had dealt with the substance and not just with the form of the decision put forward by the Ambassador of Pakistan. I had reiterated our position and have no objection in doing so again. I said

(Ms. Ghose, India)

in the morning that we were not convinced as to the reasons why we were taking such measures when the General Assembly at its fiftieth session is not expecting a report. Whether it is sent with a letter or a decision does not really make very much of a difference to that particular position. We do not see any justification for any extraordinary measures to be taken at a time when the Conference on Disarmament has already agreed that there is no text on which it can agree. That is already there. So, the Conference on Disarmament has no further action to take on this matter. This is our logic and this our stand. I think that if the delegates who have just spoken had been present at the informal consultations, they would have known that this would have been the situation.

The PRESIDENT: I thank the distinguished Ambassador of India. Well, I think what we heard here, the three speakers anyway, justifies my ruling that the matter is closed. Before we turn to our remaining business for today, I understand that some delegations may wish to take the floor. The Ambassador of New Zealand has the floor.

Mr. ARMSTRONG (New Zealand): I am not intending to take the floor on the point that you have just covered. New Zealand would, of course, have been happy to support the proposal put forward by the distinguished Ambassador of Egypt. But, frankly, I think it now appears clear, as you have decided, that the Conference is not in a position to take such a decision.

It will be clear from the report of the Ad Hoc Committee on a Nuclear Test Ban contained in document CD/1425 that New Zealand supported the proposal that the Chairman's text of a CTBT treaty be forwarded from the Ad Hoc Committee to the Conference on Disarmament for adoption. We also supported the proposals made today which would have had the effect of submitting the Ad Hoc Committee's report to the General Assembly. As I say, it now appears that the Conference is not in a position to take any one of these decisions. We regret this situation. The international community, it seems to us, may not look with understanding on the procedural manoeuvring which we have witnessed today, since rules of procedure, in our view, are intended to facilitate and not to frustrate the orderly conduct of business.

This situation presents all countries represented in this Conference with a difficult dilemma: General Assembly resolution 50/65 called on the Conference to conclude negotiations on a CTBT in time to enable its signature in September, a deadline that is hardly more than a week away. We have concluded these negotiations, although it is a regrettable fact that we did not reach consensus on the Chairman's text. Accordingly, all countries which want to fulfil the General Assembly's expectation of a treaty open for signature in September now face a choice: do we leave the Chairman's text for ever in the records of the Ad Hoc Committee and pronounce failure, or, on the other hand, do we allow the international community, which this body serves, to consider for itself the merits of the text? In our view, there is no difficulty in that choice: we must allow the international community the opportunity to consider our work. This is also clearly the view of the overwhelming majority of members of this Conference, as is evident from the statements we heard from the beginning of this morning's plenary session.

(Mr. Armstrong, New Zeland)

New Zealand, for its part, has worked consistently for the conclusion of a CTBT. We now see the opportunity to achieve that objective. New Zealand does not regard this to be a perfect treaty, but it is a major achievement for the Ad Hoc Committee under the successive Chairs of Mexico, Poland and the Netherlands. We pay tribute to all three, and we offer our special thanks to the current Chairman, Ambassador Jaap Ramaker, and his delegation.

We are fully convinced that this draft treaty serves New Zealand's long-standing goal of bringing about an end to all nuclear-test explosions for all time. It is an essential step along the road to the complete elimination of nuclear weapons. The Ad Hoc Committee has, in the words of its Chairman, "reached the very limits of what it could negotiate". Accordingly, it is this treaty text on which we must decide. The opportunity for that decision should not, in our view, be denied to the international community by this Conference.

Mr. KREID (Austria): In addition to what has been stated this morning by the Ambassador of Ireland speaking in the name of the European Union, we would like to make the following statement.

I am taking the floor in order to give expression to the disappointment of the Austrian Government that we have not been able to transmit to the United Nations General Assembly a report on the work undertaken in the framework of the Conference on Disarmament with regard to a comprehensive nuclear-test-ban treaty, despite the fact that the General Assembly has called upon us to prepare such a treaty for signature at the outset of its fifty-first session. We believe that the efforts which have been undertaken in the Ad Hoc Committee have produced a draft treaty text which goes a long way towards meeting the requirements of member States. It therefore met with broad support. It would, indeed, be deplorable if these efforts remain without consequences. We believe that we owe it to the community of nations to take advantage of the unique opportunity of concluding an international treaty, which has eluded us for so many years. The text as it stands, while not without flaws and imperfections, cannot be improved upon by further negotiations. Of this we have convinced ourselves during the last weeks. We therefore appeal to all countries to lend it their support and to ensure that we will not be deprived of the great benefits entailed in the implementation of this treaty. My country is willing and open to cooperate in every possible manner in order to find ways and means to overcome the stalemate which we have unfortunately run into in the context of the Conference on Disarmament.

Baron GUILLAUME (Belgium) (translated from French): Sir, permit me to say, first of all, how pleased I am to see you in your present seat. You have come at an historic moment and there can be no doubt that to discharge your duties you will need all your acknowledged diplomatic skill.

I would also like to pay tribute to the Chairman of the CTBT Ad Hoc Committee for the outstanding work done by him and his team. It was difficult, frequently very delicate and, at all events, very tiring for all the members of the Netherlands delegation. They carried it through with a professionalism that fills us all with admiration and they are now, I am sure, looking forward to a well-deserved rest. Ambassador Ramaker has told us that, legally speaking, he will remain in office until January next year and that it

(Baron Guillaume, Belgium)

is premature, therefore, to pay tribute to him. But, apart from the fact that I will not be here in January myself, I think that we should strike while the iron is hot, so to speak, and do it now, when we have just taken such an important step forward in our work. So, Ambassador, please accept our warmest congratulations and our gratitude for these months of hard labour that you have devoted to the Conference.

To carry out his task Ambassador Ramaker gathered around himself the most skilled members of the Conference, beginning with the Chairmen of the Working Groups, Ambassadors Zahran of Egypt and Berdennikov of the Russian Federation. We also commend the work of his Friends, friends of Friends, moderators and so on, not forgetting the excellent work done on technical issues, principally under the guidance of Dr. Peter Marshall. Lastly, let us acknowledge that everyone present in the chamber contributed intensively, in one fashion or another, to our work: the delegations themselves, the members of the secretariat under the authority of our Secretary-General, Mr. Petrovsky, the Personal Representative of the United Nations Secretary-General, Mr. Bensmail, our Deputy Secretary-General, and Jenifer Mackby and her ever-present smile. Our thanks to them all.

In my national statement which was attached to the report of the Ad Hoc Committee I expressed my country's regrets and hopes concerning the CTBT negotiations. Regarding the draft treaty as it appears in CD/NTB/WP.330/Rev.2, I said that Belgium was prepared to support it as a compromise text and to recommend its transmittal to New York for endorsement by the United Nations General Assembly. After careful study, the Belgian Government has reached the conclusion that fresh negotiations or attempts to amend this text will not bring us closer to a consensus. Consequently, in order to give it all the weight and dissemination it deserves, I have written to you, Mr. President, to say that my Government is willing to sponsor the text and would be grateful if you would circulate the draft treaty as an official document of the Conference.

The PRESIDENT (translated from French): I thank the Ambassador of Belgium for his statement.

(continued in English)

I see no other delegation wishing to take the floor, so, if you allow me, I will proceed with the usual business. I am sure you are aware that there are only three more weeks before the end of our 1996 session. Therefore, with the assistance of the secretariat, I have started the preparation of the draft annual report of the Conference to the fifty-first session of the General Assembly of the United Nations. My intention is to have a first draft circulated by Thursday, 29 August, and to start its consideration at an informal meeting following the plenary on Tuesday, 3 September.

The next plenary meeting of the Conference will be held on Thursday, 29 August 1996, at 10 a.m.

The meeting rose at 5.40 p.m.

CONFERENCE ON DISARMAMENT

CD/PV.748
29 August 1996

ENGLISH

FINAL RECORD OF THE SEVEN HUNDRED AND FORTY-EIGHTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 29 August 1996 at 10 a.m.

President: Mr. Dembinski (Poland)

GE.96-63700 (E)

The PRESIDENT: I declare open the 748th plenary meeting of the Conference on Disarmament.

I have on my list of speakers for today the representatives of India, Iraq and Belarus and the Chairman of the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events. I now give the floor to the representative of India, Ambassador Ghose.

Ms. GHOSE (India): I take the floor today to make a short statement to place on record our views on an issue which, in a sense, arises from our consideration of the draft report of the CD to the General Assembly and also relates to our consideration of the CD's future work programme.

Just before you closed the plenary session last week, Mr. President, we witnessed an extraordinary development - one that may have consequences for our future work. Some days before, this plenary had adopted, by consensus, the report of the Ad Hoc Committee on a Nuclear Test Ban, a report which included a conclusion and recommendation which read:

> "As this report indicates, despite the assessments of CD/NTB/WP.330/Rev.2 contained in section VI above and support for a proposal to transmit it to the Conference on Disarmament for its consideration, no consensus could be reached either on the text or on the action proposed. The Ad Hoc Committee refers this report to the Conference on Disarmament."

It will be recalled that this report and its conclusion and recommendation had been also adopted by consensus in the Committee after several painful hours of discussions. I might point out that India had not asked for a report, but had not objected to one.

Yet last week we found the CD's own decision flouted in the CD plenary itself, when a delegation announced that it was adopting the text we had agreed not to transmit, and requested that it be circulated as an official document of the CD. That text was the product of the work of several delegations, including mine, even though we had been unable to reach consensus on it. For any delegation to adopt it is its sovereign right, but to undermine a consensus decision not to transmit it to the CD by asking for it to be circulated as an official document? This calls into question the validity of decision-making in this forum. Any delegation can ask for the circulation of any paper as its national position - a week-old newspaper, a fairy story - but a text which the Ad Hoc Committee had specifically agreed not to bring to the CD? We are aware, by later developments outside this forum, why this procedure, risky to the CD though it was, was utilized. I shall not comment on that, as that action has nothing, in our view, to do with the CD.

(Mr. Ghose, India)

Therefore, Mr. President, under instructions of my Government, I sent you a letter to be circulated as an official document. In this case, the document is of truly Indian origin. I would like to read the text of this letter into the record:

> "I have seen document CD/1427 dated August 22, 1996 circulated by the Secretariat.
>
> "I note that this document transmits a text on which no consensus had been achieved in the Ad Hoc Committee on a Nuclear Test Ban. It had also been agreed in the Ad Hoc Committee that there was no consensus on transmitting this particular text to the Conference on Disarmament. The submission of this document to the Conference and its circulation as an official document of the Conference on Disarmament through a procedural manoeuvre cannot in any way confer this text with an enhanced status or bypass the decisions already taken by the Ad Hoc Committee and endorsed by the CD, regarding the non-consensual nature of this text."

The CD is only a forum - but one whose credibility and integrity rest on the good faith in which willing partners agree to negotiate and even to disagree, but chiefly to accept the outcome agreed to finally. India still believes in the CD as the sole multilateral forum for disarmament negotiations. But we cannot but state, with regret, that the developments I have referred to are bound to affect future negotiations. As we consider our future agenda of work, this will, I wish to assure you, be among the issues uppermost in our minds.

Mr. AL-TIKRITI (Iraq) (translated from Arabic): Since this is the first time for my delegation to take the floor before this session of the Conference on Disarmament, allow me, Sir, to express to you our congratulations and our best wishes on your assumption of the presidency. I would like at the same time to pay tribute to your predecessor, Ambassador Urrutia of Peru, who very skilfully guided the work of this Conference during his term of office as President of the Conference at a very critical and difficult stage of its work. On this occasion, I would also like to extend congratulations to Ambassador Jaap Ramaker, the Chairman of the Ad Hoc Committee on NTB, who made strenuous and diligent efforts in order to submit to us the text for the draft CTBT.

I have asked for the floor today in order to express the viewpoint of the delegation of Iraq on some of the main issues before the Conference on Disarmament. My delegation firmly believes that comprehensive nuclear disarmament is an important element in supporting international security, improving international relations and building and bolstering confidence among States. In this respect, we would like to emphasize that negotiations on any document should serve international, national and regional objectives. The strength of any document under negotiation would depend on the acceptance of this document by everybody and recognition that all States find in the same

(Mr. Al-Tikriti, Iraq)

document the same interests. Therefore negotiations are multilateral in general and normally very complex and difficult and it is not always easy to reach consensus in this respect in order to respond to the aspirations and the interests of everybody.

On this basis Iraq had hoped that this strenuous negotiating process on the draft CTBT, which has been the concern of the Conference for over three years, would culminate in a text that would be accepted by consensus so that the Conference could meet the aspirations and expectations of the international community from this distinguished Conference. It is truly regrettable that the text that has been submitted by the Chairman of the Ad Hoc Committee for the NTB, Ambassador Jaap Ramaker, which is contained in document CD/NTB/WP.330/Rev.2, has not met with consensus. This has placed the Conference on Disarmament in an extremely difficult situation that could affect its credibility in its capacity as the sole negotiating forum in the field of disarmament. My delegation, like other delegations, expressed its opinion and was sincerely hoping that, after this long and strenuous effort, we would obtain a text that would meet the aspirations of the international community, reassure States and constitute a document which would ban all nuclear tests and other explosions. That would have been a serious and tangible step towards comprehensive nuclear disarmament. However, the current state of affairs offers proof that some have not allowed the achievement of this beneficial aim that we sought through the drafting of this historic document. The aim of the international community has been, and still is, complete nuclear disarmament and the total destruction of weapons worldwide so that coming generations can live in a terror-free and secure world. Therefore, like other delegations, we had hoped that the text of the proposed CTBT would meet that aspiration. Despite our numerous observations on the text contained in document 330/Rev.2, we believe that it represents the minimum that could be achieved in multilateral negotiations in view of the aforementioned interests, orientations and aims. Therefore, the position of Iraq is that there is a need to reach a consensus. We are confident that the skill and wide experience of the member delegations of this Conference will enable the Conference to overcome the difficulties that it is facing at this critical stage of its history.

The PRESIDENT: I thank the representative of Iraq for his statement and for the kind words addressed to the Chair. I now give the floor to the representative of Belarus, Ambassador Agurtsou.

Mr. AGURTSOU (Belarus) (translated from Russian): Mr. President, first of all I would like to congratulate you warmly on taking up the post of President of the Conference on Disarmament at this important stage in the CD's work. Our delegation is convinced that the Conference will find your experience and your recognized skill as a diplomat most beneficial. I would also like to take this opportunity to express gratitude and homage to your predecessor, Ambassador Urrutia of Peru, and also to the Chairman of the Ad Hoc Committee on a Nuclear Test Ban, Ambassador Ramaker.

(Mr. Aqurtsou, Belarus)

I would like to emphasize that the Republic of Belarus supports the draft GBT in the form in which it appears in document CD/NTB/WP.330/Rev.2, and regrets that the Conference on Disarmament was unable to approve this text and forward it to the United Nations General Assembly.

Mr. President, I have taken the floor in this plenary meeting to bring to your attention an initiative taken by the Government of the Republic of Belarus with regard to the creation of a nuclear-free area in Central and Eastern Europe. As you are aware, this idea has been put forward more than once in recent decades. However, only the events of the last few years, as well as the historic steps towards the building of a world without nuclear weapons, have created the real preconditions for putting this idea into practice. With the imminent withdrawal of the last nuclear missile from the territory of Belarus and at the same time from the whole central part of the European continent, from the Baltic Sea to the Black Sea, this region will for the first time in four decades be truly free of nuclear weapons. Today history gives us an opportunity to consolidate this situation by creating an international basis for maintaining a nuclear-free regime in Central and Eastern Europe. We understand that today the States of Central and Eastern Europe are at a decisive stage in their development. Heated discussion is going on as to the possible future model of a pan-European system of security and cooperation. We have no intention of influencing our European neighbours in making a free and responsible choice of the most appropriate formula to govern relationships with foreign partners in the field of political and military security that corresponds to their national interests. At the same time we think that, regardless of the specific approach to this problem adopted by the leaders and people of individual countries, the stable consolidation of non-nuclear principles in the region will only contribute to the establishment in that part of Europe of a climate of confidence, mutual respect and partnership.

The essence of our proposals is as follows: the States of the region of Central and Eastern Europe should begin consultations with neighbouring and interested countries, and also within OSCE, NATO and the EC, to discuss the geography of a nuclear-free area, its parameters and principles, and possible legal frameworks for it. On the basis of these consultations, interested countries could then proceed to concrete talks with the aim of creating a nuclear-free zone in Central and Eastern Europe.

The PRESIDENT: I thank the distinguished Ambassador of Belarus for his statement and the kind words addressed to the Chair. I now give the floor to the Chairman of the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events, Dr. Ola Dahlman, who will introduce the Group's progress report on its forty-fifth session, held between 5 and 15 August 1996, which is contained in document CD/1422.

Mr. DAHLMAN (Sweden): I am pleased to report to you on the recent session of the Ad Hoc Group, held from 5 to 15 August and attended by experts and representatives from 32 States, and to introduce documents CD/1422 and CD/1423. CD/1422 is the progress report from the session, which is available

(Mr. Dahlman, Sweden)

to you; CD/1423 will soon be available and is a comprehensive report on the GSETT-3 experiment and its relevance to the seismic component of the international monitoring system. The executive summary of that comprehensive report is annexed to the progress report and available to you today.

The main topic of the session was to prepare the comprehensive report contained in CD/1423, which provides an overview of the results and conclusions from one and a half years of full-scale GSETT-3 operation. The report also contains a number of recommendations that might facilitate a smooth and orderly transition from GSETT-3 to the envisaged IMS. As the technical elaborations on the international monitoring system are concluded in the CD, I will be fairly brief in introducing this extensive technical material.

GSETT-3 continues to be a successful experiment involving altogether 60 countries. A total of 43 primary and 90 auxiliary seismograph stations have participated in the experiment. The Group has taken steps towards the orderly transition from the GSETT-3 network to the proposed IMS seismic network by continuing its efforts to encourage countries having stations in the proposed IMS to join GSETT-3 and by removing from GSETT-3 some stations that are not part of the IMS. At present 32 of the primary stations participating in GSETT-3 and 38 of the auxiliary stations form part of the envisaged IMS.

During GSETT-3 the national data centres have played a most important role in the evaluation of GSETT-3 and in the operation and maintenance of stations and communication links as an interface to the experimental data centre. National contributions will be most useful also for the evaluation and calibration of the international monitoring system.

When it comes to experience from the experimental international data centre, GSETT-3 has demonstrated that a single IDC of the structure and size established for the experiment can successfully carry out the tasks envisaged under the IMS. Many of the functions envisaged for the IMS/IDC have already been implemented in the experimental IDC, and also data from non-seismic technologies proposed for the IMS are now gradually being integrated into the experimental IDC. Further improvements are, however, needed, especially in areas of redundancy and data security.

The seismological performance during GSETT-3 has shown steady improvement as the experiment has proceeded. Both the detection and location capabilities of the GSETT-3 networks are presently very heterogeneous. Network simulation has, however, shown that these capabilities will be more homogeneous when the IMS network is fully implemented. Tuning of the automatic detector systems for the primary stations and calibration of the seismic travel times to all network stations from the various regions of the globe will be required to achieve the detection and location capabilities expected for an operational IMS.

(Mr. Dahlman, Sweden)

The report also contains a number of recommendations on transition from the GSETT-3 to the IMS. The recommendations concern technical changes, improvements to seismological procedures and organizational provisions. I will bring forward a few of those recommendations to illustrate the kind of changes the Group sees as important.

As to the recommended technical changes, data authentication, data redundancy and data security are important areas for improvements. The further development of reliable and user-friendly IDC products is another important issue.

When it comes to recommended improvements to seismological procedures, the issue of network calibration is a most important one, and the Group discussed and revised a plan for network calibration to be included in the GSETT-3 documentation. In parallel with the calibration, improved methods are needed for calculating event locations and depths and for specifying the associated uncertainty. Other improvements concern in particular the development, testing and implementation of methods to calculate source characterization parameters.

Among the recommended organizational provisions, the development and implementation of a quality assurance plan and periodic external evaluation are two important issues. Development of complete and up-to-date operational and reference manuals and a plan for training of IMS personnel are two other important steps to be taken.

I have on many occasions stated that most of the work during GSETT-3 is carried out outside Geneva, at stations and national data centres and at the experimental IDC. The Ad Hoc Group expresses its appreciation to the staff at the experimental IDC in Arlington, United States, and at all national facilities around the world for their dedicated efforts which are essential in ensuring the success of GSETT-3. I would in this context also like to express my great appreciation to the Group's Scientific Secretary, Dr. Frode Ringdal, Norway, not only for his effort to bring together this report, but for the dedicated and most competent way he has served the GSE for 20 years.

The Group recommends that GSETT-3 should continue at least through 1996 or until the envisaged preparatory commission for the comprehensive nuclear-test-ban treaty organization assumes responsibility, including financing, for the work on establishing the IMS. This would allow the uninterrupted operation and development of the evolving IMS, including the experimental IDC, as well as continued evaluation and calibration. In this connection, the Ad Hoc Group is prepared to convene in 1997, should the Conference on Disarmament so request.

As this might be the last time I have the privilege of addressing the CD on behalf of the Ad Hoc Group, it might be useful to try to summarize some of the experiences gained from 20 years of expert work. I do this in the hope that it might prove useful if and when the CD enters other deliberations requiring expert support.

(Mr. Dahlman, Sweden)

The expert work conducted by the GSE has in several ways proved useful to the CTBT negotiations and will be useful in the possible implementation of the treaty. The design of the international monitoring system in CD/1427 is based on the concept developed and tested by the GSE. A substantial part of the seismic component of the IMS, including an experimental IDC, is in test operation. This infrastructure is flexible enough to also accommodate other envisaged IMS technologies. Extensive documentation has been established that could form a valuable basis for the operational manuals needed for the IMS. A number of people all over the world have gained knowledge and experience useful for their participation in the establishment and operation of the IMS.

A number of more general experiences, applicable to expert deliberations on other issues, might also be drawn from the work of the GSE.

The Group's work has been based on only two mandates - agreed in CCD/PV.714, dating from 1976, and CD/PV.48, dating from 1979. These broad- and long-term mandates have enabled the Group to conduct its work uninterrupted over many years. This has proved valuable as in-depth scientific and technical work takes a long time, especially if it includes system development and testing. The Group has also been able to establish its own method of work and internal organization, which we have adjusted over time to suit the actual tasks.

We have experienced that the design of a system in a political environment is quite different from normal system design, where clear requirements are given from the outset. While appreciating the difficulty of providing specific system requirements early on in a negotiation, it should be noted that political guidance is important to focus the technical work. Although our reports have always been received favourably, my experience is that the Group would have benefited greatly from more explicit feedback and guidance from the CD.

Real progress in the technical work can be expected only when there is a political will to achieve results. The Group experienced a long period of slow progress in the technical work when there was no realistic prospect of a CTBT. Nevertheless, the Group served an important purpose during those years by keeping a dialogue on test ban verification going and thus contributing to keeping the CTBT on the international agenda.

Only a small part of the expert work has been conducted at the Group's meetings in Geneva. The bulk of the work has been carried out at laboratories and data centres in participating countries. Active support from participating countries is a prerequisite for successful technical expert work. The level of expertise and experience was initially quite different among the countries participating in the Group's work. Over the years we have established close ties between experts from many countries and knowledge has been shared around the world. This may prove to be one of the most lasting effects of the GSE. Informal workshops and other national initiatives to bring scientists together on specific issues have been most essential in this regard. Within the framework of the expert work, a large number of modern

(Mr. Dahlman, Sweden)

facilities have been established which will not only prove useful in the implementation of the IMS but have also contributed to the technical and scientific infrastructure of individual countries.

The Group has made large efforts to obtain broad global participation in its work and has achieved some success. We have, however, not reached the geographical coverage that would have been desirable. Regional workshops, which proved most useful in this regard, were conducted only during the last year. This successful initiative should have been undertaken earlier.

During these 20 years we have been keeping a steady course as far as the basic system design is concerned and we have included modern technology as it has become available. This gradual development of the system has proved most useful. We have also become convinced that paper work is not enough. The large number of experiments we have carried out over the years, the most important being the ongoing GSETT-3, have provided experience and results that could not otherwise have been obtained. We have also learned the importance not only of carrying out tests in an orderly manner but also of thoroughly evaluating the experiments as they proceed. The way we have evaluated GSETT-3 and have been able to document our results and experiences is quite unique in the scientific world.

The Group has enjoyed excellent working conditions in the Palais and I would like to express our great appreciation for the most professional support we have received from all the personnel of the secretariat. We are truly impressed by the way over the years they have handled our sometimes most technical material. A special word of appreciation goes to the Group's present secretary, Ms. Mackby, and to her predecessor Mr. Cassandra, for their most valuable support and assistance.

I can assure you that the Group has greatly appreciated serving the CD all these years. We are proud of the confidence you have shown us and we have truly enjoyed carrying out the task entrusted to us. I hope that our results will soon be fully utilized in an operational monitoring system for a CTBT and I can assure you that we will do our best to ascertain that the results of our work, including the ongoing GSETT-3, will be transferred to the evolving IMS in a cost-effective way.

The PRESIDENT: I thank the Chairman of the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events for his statement. I am sure that delegations have taken note of this report, especially paragraph 14. I should like to express, on behalf of the Conference, our deep appreciation for the many years of hard work of the Expert Group under the leadership of Dr. Dahlman.

That concludes my list of speakers for today. Does any other delegation wish to take the floor?

The secretariat has circulated, at my request, a timetable of meetings for next week. This timetable was prepared in consultation with the Chairman

(The President)

of the Ad Hoc Committee on a Nuclear Test Ban and is, as usual, subject to change if necessary. On this understanding, may I take it that the Conference agrees to this timetable? Ambassador Zahran of Egypt has the floor.

Mr. ZAHRAN (Egypt) (translated from Arabic): In this timetable of meetings which has been distributed, we note that a meeting of the Ad Hoc Committee has been scheduled for Monday, 2 September at 3 o'clock in the afternoon. I believe that, following the approval of the report of that Committee, the Ad Hoc Committee's mandate has expired and if other work remains to be done then it would be outside that mandate. I am referring in particular to work on the headquarters agreement. Now if in that case the Friend of the Chair, Ambassador Ledogar, has a report to submit it seems to me that he could do that directly to the Conference at any of its meetings because I believe that the work of the Ad Hoc Committee was completed when its report was adopted.

Mr. KERVERS (Netherlands): Let me, in reaction to what was just stated by the distinguished Ambassador of Egypt, elaborate a bit for the information of delegations on the purpose of the meeting which the Chairman of the Ad Hoc Committee requested me to arrange for next Monday, 2 September, at 3 p.m. It is our recollection that there has not been a formal decision to wind up the Ad Hoc Committee, and the meeting for next Monday is a meeting which is intended to give an orderly finish to an outstanding issue.

As delegations will remember, at the beginning of August they agreed to a proposal by the Chairman of the Ad Hoc Committee, Ambassador Ramaker, to have his Friend of the Chair on host country commitments, aided by a team, conduct negotiations with the Austrian authorities on the host country agreements. At that session, Ambassador Ledogar was requested to continue such negotiations until 30 August and then report back to the Ad Hoc Committee. As 30 August is tomorrow, and as Ambassador Ramaker is away from Geneva during this week, he asked me to request, through you, the convening of an Ad Hoc Committee meeting next Monday, purely for the sake of winding up this unfinished business of the report of the Friend of the Chair on host country commitments in an orderly manner.

The PRESIDENT: I thank the distinguished representative of the Netherlands for his statement. May I assume that this meeting of the Ad Hoc Committee should take place after the explanation we have had?

It was so decided.

The PRESIDENT: The next plenary meeting of the Conference will be held on Tuesday, 3 September 1996 at 10 a.m., after which we will hold an informal plenary in order to start consideration of the draft annual report to the 51st General Assembly of the United Nations. This draft report is contained in document CD/WP.478, which is available in delegations' pigeon-holes.

The meeting rose at 10.55 a.m.

CONFERENCE ON DISARMAMENT

CD/PV.749
3 September 1996

ENGLISH

FINAL RECORD OF THE SEVEN HUNDRED AND FORTY-NINTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 3 September 1996, at 10 a.m.

President: Mr. Dembinski (Poland)

GE.96-63765 (E)

The PRESIDENT: I declare open the 749th plenary meeting of the Conference on Disarmament.

I have on my list of speakers for today the representative of Algeria. I now give the floor to the representative of Algeria, Ambassador Meghlaoui, who will be speaking in his capacity as Special Coordinator for the review of the agenda.

Mr. MEGHLAOUI (Algeria) (translated from French): Mr. President, first of all I would like to congratulate you on taking the Chair of the Conference on Disarmament, whose destiny you will guide until the end of the year. I wish you good luck and assure you of the full support of the Algerian delegation.

I have asked to take the floor to present a report on the status of the consultations which I have conducted on the agenda of the Conference on Disarmament. The report reads as follows.

At the beginning of the 1996 session, more specifically at the 721st plenary meeting of the CD, which took place on 23 January, I was appointed Special Coordinator "to consult on the review of the future agenda of the Conference as well as on organizational arrangements to deal with the following issues: the prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices; effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons; prevention of an arms race in outer space; and transparency in armaments".

At the same plenary session the CD also adopted the following agenda for the 1996 session:

1. Nuclear test ban.

2. Cessation of the nuclear arms race and nuclear disarmament.

3. Prevention of nuclear war, including all related matters.

4. Prevention of an arms race in outer space.

5. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

6. New types of weapons of mass destruction and new systems of such weapons; radiological weapons.

7. Comprehensive programme of disarmament.

8. Transparency in armaments.

(Mr. Meghlaoui, Algeria)

9. Consideration and adoption of the annual report and any other report, as appropriate, to the General Assembly of the United Nations.

Finally, on the same occasion, the President referred to the question of nuclear disarmament and said the following:

> "With regard to nuclear disarmament, one group reiterated the importance it attached to this issue and requested that an ad hoc committee on nuclear disarmament be established immediately. This view was shared by another delegation. Some delegations from another group expressed willingness to agree to the appointment of a special coordinator to deal with the issue of nuclear disarmament. Another group supported the idea that the President of the Conference, or a special coordinator to be appointed by him, would consult on how to address all the other items on the agenda, including nuclear disarmament. I intend to conduct intensive consultations with a view to developing a basis for consensus on this issue and to report to the Conference at the earliest opportunity."

In accordance with the mandate you gave me and bearing in mind the agenda as well as the President's statement which I have just quoted, I have held bilateral consultations with all delegations of CD member States. I also had a meeting with the delegations of the 23 non-member States which have since been admitted as members of this organ following its expansion on 17 June 1996. I noted great openness among those delegations, who seemed to me to be aware of the importance of revising the agenda and to recognize the need to do so. The results of those consultations were given to you on 23 May 1996 during a session of informal open-ended consultations at which I listened with great interest to the pertinent reactions of many delegations which encouraged me to continue my work.

Since then I have continued my patient and steadfast efforts to gather contributions to assist me in accomplishing my mission. Statements made by delegations on various occasions as well as informal talks with heads of delegation have enabled me to pin down individual concerns more precisely. I also have had informal meetings with the various groups making up the CD over the last month. I would have liked to have more time to organize other sessions of informal open-ended consultations. This was not possible: the negotiations on a comprehensive nuclear-test-ban treaty have taken up the bulk, if not all, of the CD's attention during the 1996 session. They became very intense towards the end of the first half of the year, which is when the consultations on the question of the agenda should have been stepped up. Delegations invested all their energy in those negotiations, which were lengthy and went beyond the deadline of 28 June set by the CD. These developments, expected or not, resulted in a deterioration in the working atmosphere which made it even more difficult to reach any compromise on the future agenda and institutional arrangements to be established to address the issues included in the mandate.

(Mr. Meghlaoui, Algeria)

In view of the foregoing, it seems to me that it is neither possible nor appropriate at this stage to draw conclusions or to make formal proposals. Nevertheless, I would venture to set out some general considerations before moving to more specific issues.

With regard to general considerations, first I can say that it is accepted that the CD should have a new, balanced agenda which can boldly reflect the changes that have taken place in the world over the last few years. However, rather large differences remain between the priorities expressed by the various groups. Secondly, I can also say that it is accepted that the future agenda should include specific items that can be addressed in negotiations aimed at the conclusion of universal agreements. In this regard the following arguments were put forward: the nature of the CD, which as a negotiating body should not duplicate the First Committee of the General Assembly or the United Nations Disarmament Commission; the shortage of financial resources in the United Nations and the need to use them more wisely; and the human resources constraint which prevents many delegations from coping with a heavy workload.

With regard to specific points, I would mention two: nuclear disarmament and conventional disarmament. The question of nuclear disarmament is at the heart of the concerns of many delegations. As we know, at least one group has reaffirmed the importance it attaches to this issue on many occasions. It calls for the establishment of an ad hoc committee on nuclear disarmament as a matter of priority. We also know that the President of the CD is continuing his consultations. As far as I am concerned, I will limit myself to referring to the possibility of opening negotiations on a convention prohibiting the production of fissile material for nuclear weapons or other nuclear explosive devices, on which the attention of virtually all delegations seems to be focusing. Many of them consider that the CD should take up this issue as a matter of priority. Several others have a different view.

To be more specific, allow me to remind you of what I said at the end of the first round of consultations on 23 May 1996: no delegation is opposed to negotiating such a convention, but the difficulties encountered since the presentation of Ambassador Shannon's report remain. I did not fail to point out that, although some delegations considered and still consider that this is a priority matter, or at least that it is ripe for immediate negotiations, other delegations expressed reservations and sought prior clarification of the question of nuclear disarmament as a whole.

I strongly suspect that the difficulties we are already experiencing have worsened because of the turn taken by the CTBT negotiations. Further consultations are necessary and should take place in a calmer atmosphere than that presently prevailing in the CD. I do not think I am sticking my neck out if I say that the search for a solution to these questions is at this stage a prerequisite for a possible compromise on a future agenda or on organizational arrangements to be established to deal with the four points indicated in the mandate which was given to me.

(Mr. Meqhlaoui, Algeria)

Secondly, as I indicated in my preliminary comments on 23 May 1996, the replacement of "transparency in armaments" by a broader item, in other words, "conventional disarmament", would be a practical possibility if overall balance in the agenda were achieved. It would remain to identify what should be put into that basket. Several ideas have been put forward. I passed them on to you on 23 May 1996. I think I can add that the idea of approaching the question of "transparency in armaments" in the context of United Nations General Assembly resolution 46/36 L should be abandoned and if necessary a new mandate should be negotiated. Lastly, I think I can say that the question of land-mines has become more and more important as the consultations have proceeded, especially after the results of the Conference to review the United Nations Convention of 1980 became known.

In conclusion, I would paraphrase Balzac by saying that it will take a lot of genius to cut the Gordian knots which refuse to be untied. And I would venture to make three suggestions. The first concerns the consultations. As my Government has called me to other duties, I will soon be leaving Geneva and will not be able to continue them during the inter-sessional period. I suggest that the CD should entrust this difficult task to its President. I am convinced that Ambassador Dembinski has great experience and that he fully deserves our confidence.

The second suggestion is designed to help find a way of getting the CD's work going again at the beginning of the next session. Opening negotiations on land-mines could be contemplated. The conclusion of a convention is ardently desired by several member and non-member States of the CD as well as by many intergovernmental and non-governmental humanitarian organizations. The opening of such negotiations would enable our body to restore its image, which has been somewhat tarnished, leave enough time for further consultations on the agenda and reduce the temperature which has been too high for several months. I believe this suggestion is all the more worthy of interest because it will be difficult to reach consensus on the agenda in an atmosphere which is anything but calm. Furthermore, I am inclined to say that the question of the future agenda can be regarded as a legislative matter. The CD should not rule out the possibility of entrusting it, if necessary, to the United Nations General Assembly. As for organizational arrangements to be established to consider the issues covered by the mandate which you gave me, it is well known that the establishment or re-establishment of certain committees continues to run up against the same difficulties which are so familiar to us - in some cases since the 1994 session.

The third suggestion concerns the CD's rules of procedure. In this regard I would remind you of section VIII, and specifically articles 27, 28 and 29. In 1993, 1994 and 1995 the CD resorted to statements by the President in order to adopt its agenda. This formula offers the necessary flexibility which this institution needs at this point.

That is the end of my report on the consultations relating to the agenda of the CD. I would like to add a few words.

(Mr. Meghlaoui, Algeria)

As I have just said in presenting my report, I will soon be leaving Geneva. This is the last time I will be speaking in the Conference on Disarmament. Allow me therefore to stray from the beaten track to give you my impressions of the experience that I have had over the last three years in this Council chamber where, when I first entered this room, I was struck by the inscription above the entrance: "Here is a great work for peace in which all can participate" - "The nations must disarm or perish" - "Be just and fear not" (Robert Cecil). "The nations must disarm or perish" - a cold phrase which I have always taken as an invitation, not an order. In it you can see the expression of a reality which must be considered and confronted or an ideal to be achieved. Over the years, listening to the many statements by various delegations, I have often thought of Bergson, who talked about the "ancient conflict between realism and idealism". When realism means common sense or a proper appreciation of reality, it can be praiseworthy. When it is synonymous with pragmatism, it is still acceptable. When it leads to opportunism it poses problems, because, contrary to what was said by Gambetta, this barbarism does not conceal a genuine policy. And when realism becomes cynicism, it is not acceptable and can only be condemned. So is it better to be idealistic? According to Romain Rolland, "every people has its lie, which it calls idealism", while Flaubert believed that happiness was a lie. In my view you cannot associate idealism and lies in a forum like this one. Lies are the opposite of truth, and are knowingly designed to mislead. Idealism contains a very powerful dimension - the improvement of mankind. Realism and idealism rub shoulders in the CD. These apparently antagonistic extremes can combine to make this body an instrument in the service of human welfare and progress.

Among the major problems under consideration in the United Nations system, that of disarmament occupies a special place in the sense that it has to do with international peace and security, without which mankind cannot create the living conditions to which it aspires. We need a CD which can work effectively to achieve the objectives assigned to it by the international community. This body should offer a forum for negotiation among equal partners who, while representing different interests and sensibilities, are at the same time aware of the common future of the great human family. There is no way in which the CD can be useful by changing itself into a forum for confrontation crudely reflecting relations based on force. The CD's task is difficult, practically impossible. But for mankind the stakes are enormous. We do not have the right to allow ourselves to be discouraged, to give way to disillusionment. We have no choice but to move forward.

I cannot conclude my statement without thanking all my colleagues and those who have worked with them. Over a period of three years I have had a very enriching interaction with them. I will be leaving Geneva richer than when I came. I am grateful to them for that. I also thank Mr. Petrovsky, Mr. Bensmail and all the members of the secretariat, who gave me all the assistance I needed every time that I needed it. Last but not least, I turn to the interpreters. I would like to thank them warmly and at the same time apologize to them: I am aware that I have sometimes caused them trouble in translating my words. It is not always easy to reproduce the ideas of someone who thinks in Arabic and speaks in French.

The PRESIDENT (translated from French): I thank Ambassador Meghlaoui for his statement and the kind words addressed to the Chair. I now give the floor to the representative of Belgium, Ambassador Guillaume.

Baron GUILLAUME (Belgium) (translated from French): Straight away I would like to reassure those who suffer an involuntary reaction of anxiety when I take the floor at the end of a meeting. This time my intention is not to make a surprise announcement - clever legal footwork according to some, or a dirty trick according to others. No, I have taken the floor today because this is the last opportunity that I will have before the Conference on Disarmament, before all of my colleagues. Tomorrow most of them are going to fly off to New York, and when they come back 10 days from now I will have left Geneva. Therefore I would like to take this last opportunity to tell everyone how much I have enjoyed working in this assembly.

First of all, the issues that we have had to deal with were fabulous, and I must say that in all my career I have never negotiated so much. First of all in the CD, where I had hardly arrived in my first year when you did me the honour of asking me to chair the Ad Hoc Committee on security assurances. There I was on a steep learning curve and I did not have an easy time, but the friendship that everyone showed me made it a fascinating experience. And then there were the CTBT negotiations over the last 30 months, where my country, with its modest means, tried to make a positive contribution to this common effort. But it was not just the CD, and the same figures often met in other forums: in the First Committee, the biological negotiations, the negotiations on land-mines, not to mention the most important, the negotiations on the extension of the Non-Proliferation Treaty. The issues being negotiated were fascinating, the subject-matter was difficult and the timetable was much too heavy for a delegation like ours, but that enabled us to devote ourselves to the full for three years.

Something else that made this work fascinating, aside from the interest of the subjects themselves, was the quality of the negotiators. I will not of course mention any names here, but it was a revelation for me to discover the intellectual quality of those around the table in this room. In a celebrated witticism Courteline said that after having met Mr. X and exchanged a few ideas, he felt like a fool. Here it was the contrary. I was always amazed at the intellectual riches that I encountered, and it was I who benefited from the exchange. Certainly that made for formidable negotiators, but it was a pleasure to cross swords with them.

Above and beyond the work itself and our life which I would describe as incestuous because of the extent to which we form part of the same family working for disarmament, these men and women have qualities, knowledge and influence which I was happy to be able to benefit from. As I take leave of this assembly, I would once more like to thank each individual, not only for what he or she has done for me, what he or she has done for the great cause which this Conference serves, but also what he or she is and everything that he or she contributes through the mere fact of existing.

(Baron Guillaume, Belgium)

Just as I take leave of my colleagues, I also take leave of the Conference itself and all those who contribute to making it what it is. Here too I do not wish to mention any names, and I would ask its Secretary-General to convey to all, from the smallest to the greatest, from the visible to the invisible, from those we see to those we hear, my tremendous gratitude for all the assistance I have received over these last three years.

Ms. FERGUSON (United Kingdom of Great Britain and Northern Ireland): I have asked for the floor as Coordinator of the Western Group to say that we have listened with interest to the report just made by the distinguished Ambassador of Algeria in his capacity as Special Coordinator. The Group will wish to consider carefully what Ambassador Meghlaoui has said and may wish to comment further. In this case, we would wish to reserve the right to have any such comments reflected in the annual report.

The PRESIDENT: I thank the distinguished representative of the United Kingdom. I see no other speakers. As we have just heard, Ambassador Meghlaoui will be leaving us soon. I am sure I speak on behalf of all of us when I extend to him our sincere gratitude for the untiring efforts he has exerted in moving forward the thorny issue of the review of the agenda of the Conference. Ambassador Meghlaoui has represented his Government with distinction and efficiency. I am sure we will all miss him and I should like to take this opportunity to extend to him and his family our very best wishes for the future. I also understand that other colleagues will be leaving us soon. We have just heard that Ambassador Guillaume, Ambassador Starr of Australia and Ambassador Hoffmann of Germany will also be leaving us soon. On behalf of the Conference and on my own behalf, I should like to place on record our deep appreciation for their outstanding contributions to our common endeavours and wish them, and their families, all the best for the future.

The secretariat has circulated, at my request, a timetable of meetings for next week, which is, as usual, subject to change if necessary. On this understanding, may I take it that the Conference agrees to this timetable?

It was so decided.

The PRESIDENT: As I mentioned to you at our last plenary meeting, we shall hold an informal plenary meeting in order to start the consideration of the draft annual report of the Conference to the United Nations General Assembly, which has been distributed to you in document CD/WP.478. I intend to start this informal plenary meeting in half-an-hour's time after the inauguration ceremony which is about to take place outside the Council chamber shortly to mark the donation to the United Nations of a sculpture by the German artist, Clemens Weiss, and to which I understand you are all invited.

The next plenary meeting of the Conference will be held on Thursday, 12 September 1996 at 10 a.m.

The meeting rose at 11 a.m.